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2     UNITED STATES DISTRICT COURT

      SOUTHERN DISTRICT OF NEW YORK

3     ------------------------------------------X

      DELUX PUBLIC CHARTER, LLC d/b/a JSX AIR

4     and JETSUITEX, INC.; XO GLOBAL, LLC; and

      BLADE URBAN AIR MOBILITY, INC.,

5

                                  PLAINTIFFS,

6

            -against-      Case No.:

7                          7:22-cv-01930-PMH

8     COUNTY OF WESTCHESTER, NEW YORK, a

      Charter County,

9

                                  DEFENDANT.

10    ------------------------------------------X

11                   DATE:   January 13, 2023

12                   TIME:   9:30 A.M.

13

14

15            DEPOSITION of the Defendant,

16    GEORGE LATIMER, taken by the Plaintiffs,

17    pursuant to a Notice and to the Federal

18    Rules of Civil Procedure, held at the

19    offices of John M. Nonna, Esq., Westchester

20    County Attorney, 148 Martine Avenue, White

21    Plains, New York 10601, before Lisa Moran,

22    a Notary Public of the State of New York.

23

24

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2    A P P E A R A N C E S:

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4    DORF & NELSON, LLP
       Attorneys for the Plaintiffs
5      555 Theodore Fremd Avenue
       Rye, New York 10580
6      BY:   JONATHAN B. NELSON, ESQ.
             CHRISTINA L. GRIMES, ESQ.

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9

     JOHN M. NONNA, ESQ.
10     Westchester County Attorney
       Attorney for the Defendant
11     148 Martine Avenue
       White Plains, New York 10601
12     BY:   JOHN M. NONNA, ESQ.
             DAVID H. CHEN, ESQ.

13

14   ALSO PRESENT:
       Samra Mahmoud, Esq., via video conference
15     Raymond Moss, Esq., via video conference

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2      F E D E R A L   S T I P U L A T I O N S

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5      IT IS HEREBY STIPULATED AND AGREED by and

6    between the counsel for the respective

7    parties herein that the sealing, filing and

8    certification of the within deposition be

9    waived; that the original of the deposition

10   may be signed and sworn to by the witness

11   before anyone authorized to administer an

12   oath, with the same effect as if signed

13   before a Judge of the Court; that an

14   unsigned copy of the deposition may be used

15   with the same force and effect as if signed

16   by the witness, 30 days after service of

17   the original & 1 copy of same upon counsel

18   for the witness.

19

20      IT IS FURTHER STIPULATED AND AGREED that

21   all objections except as to form, are

22   reserved to the time of trial.

23

24              *     *     *     *

25

                                                      **Page 4**

1                     GEORGE LATIMER

2    G E O R G E    L A T I M E R, called as a

3    witness, having been first duly sworn by a

4    Notary Public of the State of New York, was

5    examined and testified as follows:

6    EXAMINATION BY

7    MR. NELSON:

8         Q.    Please state your name for the

9    record.

10        A.    George Latimer.

11        Q.    What is your address?

12        A.    47 Wainwright Street, Rye, New

13   York 10580.

14        Q.    Good morning, Mr. Latimer.

15        A.    Good morning, Mr. Nelson.

16        Q.    Jonathan's fine.

17             As you know, I represent the

18   Plaintiffs in this matter, and I am going

19   to be asking you a series of questions this

20   morning.  If at any time I am unclear and

21   you don't have a full understanding of what

22   I'm asking, which happens from time to

23   time, let me know, I will do my best to

24   rephrase it.

25             As you're doing right now, you

1                   GEORGE LATIMER

2     have to keep your answers verbal so the

3     Court Reporter can take it down, and

4     uh-uhh's and mm-mmm's, although I don't

5     expect you'll do that, don't translate well

6     to a transcript.

7          A.    Understood.

8          Q.    And at times it might feel a

9     bit conversational, but I will do my best

10    to make sure that you're done with your

11    answer, and you make sure that I am done

12    with my question, so the Court Reporter,

13    again, can take down a clean transcript.

14         A.    Will do.

15         Q.    If at any time you want to take

16    a break, as long as there's no question

17    pending, just indicate, and we'll do that.

18         A.    Good, perfect.

19         Q.    Mr. Latimer, what is your

20    current position?

21         A.    Westchester County Executive.

22         Q.    How long have you held that

23    position?

24         A.    January 1, 2018.

25         Q.    Briefly, your duties and

Page 6

1                    GEORGE LATIMER

2    responsibilities in that particular

3    position.

4        A.     Chief elected officer for

5    Westchester County Government.  Responsible

6    through the other various members of the

7    Executive Team for the administration of

8    County Government and its many different

9    iterations.

10       Q.     Prior to being elected to that

11   position, did you hold any other positions?

12       A.     A number of them.  I was a New

13   York State Senator from 2013, January of

14   2013, through December of 2017.  I was a

15   member of the New York State Assembly from

16   January of 2005 until December of 2012.

17   Westchester County Legislature, from

18   January of 1992 until December of 2004.

19   And a member of the Rye City Council from

20   January 1988 until December 1991.  Those

21   are elected positions.

22       Q.     Sure.

23              Did you have, prior to your

24   elected positions, can you just briefly go

25   through your professional career?

Page 7

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 1              GEORGE LATIMER
 2      A.     Sure.   I spent 20 years, which
 3   overlaps some of my elective office, as a
 4   sales and marketing executive in the
 5   hospitality industry.   I worked for
 6   corporations that were subsidiaries of some
 7   major corporations.
 8              I worked for Stouffer
 9   Corporation, which is a subsidiary of
10   Nestle.   Sheraton Corporation, subsidiary
11   then, at that time, of ITT.   And I worked
12   for a company called Benchmark Management
13   for 11 years.   And I left my corporate
14   career in early 1998, and then did these
15   other positions full-time from that point
16   forward.
17      Q.     Mr. Latimer, there came a time
18   where you became aware with regard to the
19   issues being litigated in this case, and
20   let me, I am going to break that down so we
21   can figure out --
22      A.     Mm-hmm.
23      Q.     -- with regard to, well, let's
24   go back first to the Airport in general,
25   obviously, that is what we're going to be
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Page 8

1                    GEORGE LATIMER

2    speaking a lot about now, are you familiar

3    with the concept of grandfathered

4    management restrictions at the Airport?

5          A.    I can't specifically --

6                MR. NONNA:  Object to the form,

7          but go ahead.

8          A.    I can't specifically speak to

9    the restrictions of the Airport, I

10   understand the general concept of

11   grandfathered.

12         Q.    What is your understanding?

13         A.    That there are certain rules

14   and regulations which will apply even if

15   subsequent actions change that rule, an

16   entity is grandfathered and operates under

17   prior rules even though things changed

18   subsequently.

19         Q.    Are you aware pursuant to a

20   settlement in a prior litigation that

21   Westchester County Airport was able to

22   maintain a certain level of rules and

23   regulations pursuant to the FAA?

24         A.    My understanding is that there

25   was litigation that ended in the mid 1980's

Page 9

1            GEORGE LATIMER

2   that stipulated certain things that have

3   followed subsequently.

4       Q.    Based on your understanding,

5   would the Airport, the County/Airport, be

6   able to enact greater restrictions than

7   that which existed previously?

8            MR. NONNA:   Objection to the

9        form.

10      A.    I would assume that, and I

11  assume, I don't know, because I am not a

12  lawyer, that the court set perimeters, and

13  that within those perimeters, we would have

14  some flexibility in how we implemented

15  those things.  We could not of our own

16  ability go beyond the perimeters of what

17  the court decided is my general sense of

18  how things work.

19      Q.    You were a County Legislator,

20  you said, from 1992 to 2004?

21      A.    Correct.

22      Q.    During that tenure as a County

23  Legislator in 2004, were you familiar with

24  a submission that the County submitted to

25  the FAA with regard to the Airport?

1                    GEORGE LATIMER

2        A.      I am not familiar with what the

3    County Executive Branch of that date may

4    have submitted to the FAA.  I would -- I am

5    aware of those issues that came before the

6    Board of Legislators to take action of.  I

7    know now as a County Executive, there are

8    certain actions that an administration does

9    without legislative support, and some

10   actions that require legislative support.

11              As a County Legislator, I would

12   have been aware, generally speaking, of

13   those things that came before the Board of

14   Legislators and required Board of

15   Legislators' support.

16       Q.      What were the things you were

17   aware of at that time?

18              MR. NONNA:  Objection.  At the

19         Airport --

20              MR. NELSON:  I am following, I

21         am sorry, I am assuming we're

22         following the line of questioning.

23       Q.      When you said you were aware of

24   some things with regard to the Airport,

25   what were you aware of?

Page 11

1                    GEORGE LATIMER

2        A.     The first thing to be said is

3    it is now 18 years since I left the County

4    Board of Legislators, so there are things

5    that happened during my tenure at the

6    County Board of Legislators that are a

7    distant memory, and my memory may not be as

8    up to date as it might have been where I

9    was speaking at that time.

10                 Obviously, since I've become

11   County Executive for the last five years,

12   I've been involved in things in a different

13   way than I was at that point in time.

14                 The general matter of the

15   public policy of the County Airport is

16   always a matter of public discussion and

17   debate.  As a public official, you're in

18   public forums where people ask you

19   questions.  I remember very little about

20   the specific conveyances and the documents

21   of that day because I haven't had access to

22   them over this period of time.

23       Q.     You mentioned that as the

24   County Executive, you became, and I am not

25   quoting you, but you became sort of

1                    GEORGE LATIMER

2    involved again in the issues with the

3    Airport, can you explain that a bit?

4         A.    Well, because now in this

5    position, the team that I manage involves

6    direct operation of the County Airport.

7    When you're a legislator, you have

8    different responsibilities.  Now, as a

9    County Executive, through the various

10   people, our Director of Operations, our

11   Department of Public Works/Transportation,

12   the management of the Airport falls within

13   the Executive Branch, so I am briefed and

14   have dialog with my Executive Team, and

15   those leaders of those departments on the

16   policy issues that relate to the Airport.

17        Q.    Are you aware that there was at

18   one point proposed legislation to the

19   County Legislators to permit litigation to

20   be commenced with regard to Airport

21   management?

22        A.    I am not --

23             MR. NONNA:   Objection to the

24      form.

25        A.    -- you need to be more specific

1                GEORGE LATIMER

2    for me to understand what I might have

3    known or not have known.

4         Q.    Sure.

5              Well, I guess, Mr. Latimer,

6    what I am asking is, when did the issue

7    with the Airport come to the forefront with

8    regard to your position as the County

9    Executive?

10             MR. NONNA:   Objection to the

11        form.

12        A.    Well, I run for the office of

13   County Executive in 2017, the management of

14   the Airport and the function of the Airport

15   is one of a myriad number of issues that I

16   am asked about during the context of the

17   campaign, County Jail, our sewer treatment

18   plants, Playland, the various parks, so to

19   the extent that during the course of the

20   campaign, you have to be conversant at some

21   general level about what's happening in

22   those areas and talk in general terms of

23   what you would do if you became County

24   Executive, I was involved in that level, I

25   was not privy to any particular documents

1                    GEORGE LATIMER

2    during my campaign season.

3                 In 2018, I come into office,

4    and I have the same myriad of issues that I

5    have to deal with, and I work through the

6    Executive Team that I have.  Point Deputy

7    County Executive; point of Director of

8    Operations; Deputy Director of Operations;

9    and every operating department, one or two

10   exceptions, go through the operations

11   department.  So, when we sit as an

12   Executive Team, it's eight or nine that

13   surround the table, the Director of

14   Operations and Deputy Director of

15   Operations will report on each of those

16   different things, I just mentioned a bunch

17   of them, what happens in Corrections, what

18   happens in the Health Department, what

19   happens in Parks and Recreation, and the

20   Airport as part of Transportation

21   underneath the DPW, Department of

22   Transportation is one of those areas.

23                 Beginning at that point in time

24   going forward, we're looking at public

25   policy issues, not necessarily documents or

1                    GEORGE LATIMER

2     legal analysis of how the Airport is

3     functioning.

4                When we came in, there were

5     certain issues on the table that we had to

6     begin the process of addressing, which we

7     started to address and have continued to do

8     that up to this point.  There are budgetary

9     issues, there are other operational issues,

10    some of which are covered in this lawsuit

11    and some of which all fall outside of this

12    lawsuit, so.

13         Q.    With regard to the issues on

14    the table you were mentioning when you came

15    into office, what issues on the table were

16    there with regard to the Airport?

17         A.    Well, I mean, in general,

18    ordinance of operation, there is a

19    commercial element to the Airport, there is

20    a general aviation element to the Airport,

21    there are environmental impacts to the

22    Airport, there are reactions that relate to

23    those people who live either around the

24    Airport or on the flight path, their

25    reactions to the Airport.

1                    GEORGE LATIMER

2              The Airport is an economic

3    development tool for the way we go about

4    dealing with the businesses of Westchester

5    County, and that is an element of

6    discussion.  So, all of those things come

7    into play.

8              What happens with the

9    environmental impact of the Airport is not

10   just limited to noise, it involves what

11   impacts on the drinking watershed of Rye

12   Lake, just north of it.  What happens to

13   storm water management.  What might flow

14   into the Blind Brook, that would go south

15   of it into Long Island, Long Island Sound.

16             The traffic, ground level

17   traffic that's generated by the Airport as

18   well as the air level traffic generated by

19   the Airport.  All of those things are part

20   of the general public policy issues that

21   deal with the Airport.

22             The various entities of the

23   Airport.  The Fixed Base Operators, the

24   airlines that operate out of the Airport,

25   they all have aspirations and expectations

1                    GEORGE LATIMER

2     of what should happen at the Airport

3     operation.

4               And I would add that many

5     things were impacted by the Covid outbreak,

6     which came two years into my tenure,

7     changed, obviously, the short term and the

8     midterm realities at the Airport, and that

9     created a complication unforeseeable during

10    the context of the campaign.

11         Q.    You had mentioned that there

12    were issues on the table, which we were

13    just talking about, and you said some have

14    to do with the substance of this lawsuit

15    and some don't, which issues were on the

16    table that had to do with the issues in

17    this lawsuit?

18         A.    I think, in general, the

19    operations on the commercial side of the

20    Airport, and the operations on the general

21    aviation side of the Airport, and how those

22    interact.

23               We have the general

24    understanding that there are restrictions

25    that involve the commercial operation of

1                    GEORGE LATIMER

2    the Airport, and there are very few, if

3    any, restrictions that operate on the

4    general aviation side of the Airport, and

5    each of the different players have

6    different, you know, weights in terms of

7    how they impact the total operation of the

8    Airport, and what level of that operation

9    contributes either to environmental issues

10   or community issues or economic issues, all

11   are in some play between those different

12   things.

13        Q.    Mr. Latimer, when you were

14   going through before and listing the issues

15   on the table, I am going to just keep using

16   that phrase --

17        A.    Yes, that is fine.

18        Q.    -- you had mentioned FBO, Fixed

19   Based Operators, at the Airport, can I

20   abbreviate that to FBO?

21        A.    Yes.

22        Q.    What were the issues on the

23   table with regard to FBO's?

24        A.    Well, some of the FBO's were

25   anxious to add to their available space

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 1                   GEORGE LATIMER
 2    additional hanger space.  The general
 3    perception is that the Westchester market,
 4    the Westchester Airport market, which
 5    includes Westchester, Fairfield, and so
 6    forth, is a very lucrative market.  There's
 7    great demand to operate out of this Airport
 8    by individuals and corporations, and many
 9    of the FBO's saw an opportunity for them to
10    expand their business profitably by having
11    additional services, additional hanger
12    services, and other things they might find
13    important.
14               And each of those different
15    FBO's were at various stages of either
16    having a proposal or not to extend their
17    operations in some fashion.
18         Q.    Do you recall the name of any
19    of the FBO's that you're speaking about?
20         A.    Million Air certainly heads the
21    list of organizations that intended to do
22    some additional work.  There were some
23    other proposals that have been discussed
24    internally in which they have approached
25    the administration, but the Million Air
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Page 20

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 1                   GEORGE LATIMER
 2    situation has gotten out into the public
 3    domain, so I referenced that.
 4               The other ones, while they're
 5    under discussion and debate, they have not
 6    necessarily gone out to public discussion
 7    yet.  There haven't been proposals that
 8    have been submitted formally that we're
 9    obliged to act on.
10         Q.   When you took office in 2018,
11    right?
12         A.   Yes, January 2018.
13         Q.   In 2018, were one of the FBO
14    operators that had issues on the table
15    Blade, are you familiar with that?
16         A.   I was not familiar with the
17    name of Blade.
18               MR. NONNA:  Can you repeat that
19          question, please?
20               (Whereupon, the referred to
21          question was read back by the
22          Reporter.)
23               MR. NONNA:  I am objecting.
24         A.   In 2018, I was not familiar
25    with Blade as an entity known to me, not
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1                    GEORGE LATIMER

2    only when I took office, but it was not a

3    part of the discussion at all in the early

4    stages of looking at the Airport as a

5    policy area.

6          Q.     Were you aware that the prior

7    administration, the Astorino

8    administration, was exploring privatization

9    of the Airport at some point?

10         A.     Yes, I was aware of their

11   proposals.

12         Q.     When were you first made aware

13   of the proposals?

14         A.     As a candidate for office, you

15   know, I studied my predecessor's public

16   record, and became aware that he had had a

17   proposal that dated back to 2015/2016 for a

18   privatization arrangement, and then that

19   proposal was retracted, and then there was

20   a second one that involved Macquarie, that

21   came about a year later, that was part of

22   the 2017 budget process, which was

23   contemporary with my candidacy.

24              During my tenure as a State

25   Senator, prior to running for County

1                    GEORGE LATIMER

2    Executive, I was only marginally aware of

3    what was happening at the County Government

4    because I was focused on the State issues.

5         Q.     With regard to the proposals

6    for the privatization of the Airport, did

7    you actually have an opportunity to review

8    any of the proposals?

9         A.      I reviewed both of them at some

10   level.

11        Q.     Did those proposals include

12   both commercial airlines as well as FBO's?

13        A.      My understanding, which may be

14   imperfect, of the proposals was for the

15   County to turn over the full operation and,

16   therefore, the decision making process at

17   the Airport to a private entity over a 20-

18   year agreement, and so my presumption is is

19   that meant that the private organization

20   that would take over the Airport would then

21   make decisions on all the issues, that the

22   County would not be the decision maker, the

23   private entity would be the decision maker.

24        Q.     Was it your understanding that

25   the private entity would be the decision

1                    GEORGE LATIMER

2    maker of all Airport operation?

3         A.    That's my understanding, but I

4    did not ask for a briefing from my

5    predecessor to clarify it.

6         Q.    Did you have occasion to review

7    any reports generated by the County in

8    response to any of the proposals?

9         A.    No, I did not.

10              Are we talking about the time

11   before I became County Executive?

12        Q.    Well, I was actually asking at

13   any time, and if you had, I was going to

14   limit it down, so.

15              MR. NONNA:  This has to do with

16        the privatization proposals?

17              MR. NELSON:  That is right.

18        A.    The privatization proposals

19   that my predecessor dealt with, I did not

20   have access to the documents and detail,

21   followed press reports and general

22   conversation with members of the County

23   Legislature, which was, you know, which was

24   not the full amount of information that an

25   Executive would have.

1                    GEORGE LATIMER

2            When I became County Executive

3    in 2018, there was a proposal on the table

4    by Macquarie, and we dealt with that issue

5    at that time.

6        Q.    When you say we dealt with that

7    issue at that time, how did you deal with

8    it?

9        A.    Ultimately, we decided not to

10    privatize the Airport.

11        Q.    Was there any due diligence or

12    discussion or debate or anything that lead

13    to that ultimate decision?

14        A.    All those things.

15        Q.    Could you just describe it a

16    bit, the process?

17        A.    I tasked our operations team

18    and the Airport operations team, the DPW,

19    Transportation management that overseas the

20    Airport, and then my Executive Team,

21    Director of Operations, Deputy of

22    Operations, and others to evaluate the

23    Macquarie proposal, and then upon their

24    analysis, our Executive Team had

25    discussions about whether or not this is

Page 25

1                    GEORGE LATIMER

2    the direction we wanted to go in.

3               I had stated already during the

4    campaign that I was opposed to

5    privatization, but when I came in, I wanted

6    to at least review the proposal that was on

7    the table and give Macquarie a fair chance

8    to make their case.  And we ultimately

9    chose not to go in the direction of

10   privatization, neither with Macquarie or

11   any other outside bidder, outside manager

12   or operations, not management, you know,

13   team that would take over the operations.

14       Q.    What is your view on Airport

15   expansion?

16       A.    Well, can you define how you

17   see the word expansion because it's a very

18   fluid concept in different people's minds?

19       Q.    I'm going to respectfully flip

20   it on its head, how do you define Airport

21   expansion, and then I'll ask you what your

22   views are?

23       A.    Well, expansion is,

24   unfortunately, a word that means so many

25   different things to so many people.  In my

1                    GEORGE LATIMER

2    mind, expansion of an Airport is additional

3    land, authorizing additional construction

4    of buildings, allows for heavier equipment

5    to come in, meaning a longer and stronger

6    runway where you accommodate bigger planes,

7    and, therefore, more people come through

8    the Airport.

9              I was publicly in opposition to

10   those elements of expansion through the

11   campaign and to this day.  We had the

12   responsibility to repave the runway, which

13   we did in the Covid year of 2020.  When

14   repaving it, we made a point of repaving

15   the existing runway for safety, but not

16   lengthening it, and not strengthening it.

17   We made it as public policy, so that the

18   equipment that could be served at the

19   Airport would not be expanded to heavier

20   equipment, heavier being able to

21   accommodate more passengers.

22             You can't land a 747 Jet DC10

23   at that Airport, you can land a 737 and

24   other equipment below that level.

25             We have not sought to add land

Page 27

1                    GEORGE LATIMER

2    to the Airport.  We have not sought to,

3    from a public standpoint, construct public,

4    additional public facilities that would

5    accommodate a greater public use of the

6    Airport.

7                    So, to me, those were the

8    things that to me represent expansion, now

9    to different people means different things,

10   and I don't necessarily accept another

11   person's definition of expansion.  I have

12   humorously said for some people fixing the

13   men and women's rooms is expansion at the

14   Airport because it makes it a more

15   comfortable environment for people, for

16   passengers to use the Airport.

17                    But I think we have been

18   reasonable about looking at what I've just

19   described as expansion, but I am not, you

20   know, I don't debate the policy and the

21   principal, in general, of expansion because

22   it's too flexible, and it's opinions, and

23   feelings.

24                    The policies that we implement

25   are along the lines I've just described.

1              GEORGE LATIMER

2   We have not added land to the Airport.  We

3   have not strengthened the runway to the

4   Airport.  We have not sought to accommodate

5   officially more new FBO's at the Airport.

6   So, I think we're keeping with a policy

7   that I stated during my campaign.

8        Q.    You had just mentioned more new

9   FBO's at the Airport, and I want to ask you

10  a couple of questions about that, are there

11  existing FBO's at this Airport?

12       A.    There are.

13       Q.    With regard to the existing

14  FBO's at the Airport, what is your view on

15  those?

16            MR. NONNA:  Objection to the

17       form.

18       A.    From my standpoint, the issue

19  of the FBO's have a business model, and I

20  do come out of a business background, they

21  have certain aspirations to improve their

22  business, and, therefore, they come to the

23  County requesting County approval to do

24  certain things, they are different

25  depending on the FBO's.

Page 29

1                    GEORGE LATIMER

2               Depending on what they ask is

3    how we respond.  We have not established a

4    philosophy of FBO's.  An FBO that came to

5    us and said, you know, we need to modernize

6    a building is one type of request.  Another

7    FBO that comes and says, we need to expand

8    and add another hanger is a different kind

9    of request.  Comes out of the FBO request

10   to us based on their perception of their

11   business model and what can happen.

12               In general, you know, because

13   this is something I am familiar with from

14   my past experience, the market to use this

15   Airport is significant, Westchester County,

16   Fairfield County, and further up to

17   Connecticut, the demand to use this Airport

18   is potentially unlimited.

19               It is closer to LaGuardia, it's

20   an easier drive for people who live in this

21   area.  We have major corporations in this

22   area.  They have every reason to want to

23   see more and better service of whatever

24   sort of Westchester County Airport.

25               So, I expect that the FBO's, as

1                    GEORGE LATIMER

2      they approach us, will have specific

3      proposals to "expand" their services, and

4      then we have to sit and look at their

5      proposal to determine how viable it is

6      given the other public policy issues that

7      are at hand.  We have to look at the

8      environmental impacts, what they want to

9      do.  We have to look at the impact on

10     noise, but not only noise, we have to look

11     at the impact on water quality, and

12     drainage.  We have to look at the traffic

13     impacts of what they want.  We also look at

14     the economic impact, how many jobs, what

15     does it mean to those businesses that look

16     at the Airport as a vital asset and why

17     their headquarters are here, we try to put

18     all those things in some perimeter of

19     discussion to determine what our policies

20     are.

21               In some cases, those policies

22     aren't just made by the administration,

23     Board of Legislators, depending on what the

24     specific ask is.  Certain things have to go

25     before the Board, I rely on Counsel to

1                    GEORGE LATIMER

2    advise.  You know, we'll turn to our

3    Counsel and say, this particular proposal,

4    does this require approval of the Board of

5    Legislators.  If it does, then there's more

6    decision makers in the process.

7         Q.    In evaluating FBO's requests

8    from time to time, you listed, I am

9    assuming, a nonexhaustive list of

10   considerations?

11        A.    Mm-hmm.

12        Q.    Is security a consideration as

13   well?

14        A.    Yes.

15        Q.    Could you tell me a little bit

16   about what about security is a

17   consideration?

18        A.    Well, I think, again, from a

19   generalist standpoint, I am not an airport

20   professional, the rules from TSA that have

21   changed since 9/11 require significant

22   security that didn't exist previously.  In

23   my corporate years of business travel,

24   prior to 9/11, I traveled only

25   commercially, I was never on a charter

1                    GEORGE LATIMER

2    flight or any other type of private

3    aviation, it was pretty easy to go in and

4    out of an airport; post 9/11, it's changed.

5    The security concerns that go through the

6    FBO is something that will be defined by

7    the TSA.  I don't put my judgement in over

8    the top of TSA, but I presume that there's

9    a more complicated matter for TSA to ensure

10   security of passengers that are taking

11   private flights, whether they're two seater

12   light aviation or charter for corporate jet

13   or whatever it is.

14           So, we look at the TSA to

15   determine what they think is the necessary

16   components of security, and I assume it's

17   significant because you don't have in

18   multiple FBO's, the same physical layout

19   that you have at a commercial airport, the

20   size and scope of our airport, which you

21   can have a central point of interaction, a

22   central point of security, that takes the

23   person from outside the security perimeter

24   and inside the security perimeter.

25       Q.    As you mentioned that ultimate

Page 33

1                   GEORGE LATIMER

2    security question would be up to the

3    Federal Government and the TSA?

4         A.     Correct.

5         Q.     Would the County have any input

6    with regard to that particular security

7    issue that you just --

8         A.     I assume we had input, I assume

9    what TSA might, under some circumstances,

10   request is some additional structure

11   services to provide that security.  And,

12   you know, it's the Federal Government, the

13   Federal Government operates, you know,

14   through the FAA, the air traffic systems,

15   so, you know, we certainly understand our

16   position as subordinate to whatever the

17   Federal Government chooses to require in

18   terms of security.

19              MR. NELSON:  Let's mark this

20        Latimer 1.

21              (Whereupon, the aforementioned

22        document was marked as Latimer

23        Exhibit 1 for identification as of

24        this date by the Reporter.)

25        Q.     Mr. Latimer, I am handing you

Page 34

1                    GEORGE LATIMER

2     what has been just today marked Latimer 1,

3     and I am going to ask you to take a look at

4     that for a moment.

5                    Do you recognize what that is?

6          A.    Yes, I do.

7          Q.    What is it?

8          A.    This is a Committee Report

9     along with a Local Act that authorizes the

10    County Attorney to initiate legal action.

11    Requires the approval of the Board of

12    Legislators before it can happen.  This was

13    the conveyance that allows that to occur.

14         Q.    More particularly, it allows

15    for litigation with regard to the FBO's in

16    relation to the Airport Terminal Use

17    Procedures, is that your understanding?

18                    MR. NONNA:  Objection to the

19        form.

20         A.    Well, I mean, I'll follow the

21    language of this in which the litigation is

22    directed broadly to protect those

23    restrictions that are in force at the

24    Airport, and those entities that we believe

25    are in conflict with those protections.

Page 35

1            GEORGE LATIMER

2       Q.     Right, so, in the second

3    paragraph, it speaks to the Airport's

4    Terminal Use Procedure, Section 712.462 of

5    the Laws of Westchester County, right, do

6    you see --

7       A.     Yes, I see the section.

8       Q.     And then in the next paragraph,

9    it speaks of the position that certain

10   FBO's are not in conformity with the TUP,

11   the Terminal Use Procedures?

12            MR. NONNA:   Objection to the

13        form because it doesn't say that.

14            MR. NELSON:   Mr. Nonna, that is

15        not an objection to the form, that is

16        now testifying for the witness.   So,

17        please be very careful.

18            MR. NONNA:   Reflecting what the

19        document says.

20            MR. NELSON:   That is for the

21        witness to testify to.   Listen, you

22        can object to form, but when you say

23        the document doesn't say that, that

24        is testifying.   So, I don't want to

25        get into a situation where you're

Page 36

1                      GEORGE LATIMER
2           testifying.  I know it's not your
3           intention to, but my position is --
4                   MR. NONNA:  My objection is to
5           form, and I think it was valid
6           objection.  My statement in
7           connection is permissible as well,
8           but I understand what you are saying,
9           we'll move on.
10                  MR. NELSON:  I'll say one more
11          thing, there are no speaking
12          objections under the local rules.
13                  MR. NONNA:  I didn't see that
14           as a speaking objection.
15       Q.     Let me rephrase that, Mr.
16   Latimer, so we can move on.
17       A.     I am sorry, what was the
18   question?
19       Q.     I'm going to withdraw the
20   question and I am going to rephrase it.
21       A.     Okay.
22       Q.     In that paragraph, generally
23   speaking, it speaks to the committee being
24   informed by the County Attorney and the
25   Airport director that certain airlines

Page 37

1                    GEORGE LATIMER

2    operating at the Airport are in violation

3    of the TUP's because they are operating,

4    not from the terminal, but rather from

5    FBO's, is that fair?

6          A.     That is what it says.

7          Q.     On the next page, you can see

8    that this was dated January 31, 2022, all

9    the way at the top?

10          A.     Mm-hmm, I see it.

11          Q.     Mr. Latimer, when were you

12   first made aware of the issues that are

13   contained in this legislature?

14          A.     I couldn't give you a precise

15   date.  I would assume, given the amount of

16   time it took for us to take some action,

17   sometime earlier in 2022.  I was not -- I

18   was not aware of it prior to that period of

19   time.

20          Q.     Well, this is dated January 31,

21   2022 --

22          A.     Earlier than '21, yes, sometime

23   in '21, it would have been something that I

24   was aware of, and then we would have

25   discussed with our operations people and

Page 38

1              GEORGE LATIMER

2   our Counsel.

3        Q.    Do you recall what you were

4   aware of in 2021?

5        A.     My memory is imperfect, so, I

6   am not exactly sure how I can specify it,

7   but it may have been through the Village of

8   Rye Brook or some other source, but I was

9   made aware, and it came through other

10  executives on our team that there was

11  operations occurring at the FBO's, that as

12  was presented to me, that should not be

13  operating at the FBO's, but should be

14  operating through the terminal, and they

15  would have to be part of a lottery system

16  and gate system, which is how the

17  commercial side operates, because the

18  functional operation was a commercial

19  operation, not a charter operation, based

20  on the rules that were established.

21            The authority to litigate was

22  the outgrowth of the discussion about the

23  issue, and, uhm, some of that, I presume,

24  is covered by our confidentiality, which

25  would be the legal advice that we have been

Page 39

1                    GEORGE LATIMER

2    given as an Executive Team.

3         Q.    I am certainly not asking about

4    that.

5         A.    I understand, but we made a

6    decision to go through litigation because

7    we thought that there was an issue that

8    needed to be -- needed to be dealt with.

9         Q.    Let me take it a step now

10   before, you mentioned there were

11   conversations and internal communications,

12   what prompted those conversations and

13   internal communications?

14        A.    Like I said, I am not sure

15   exactly how I personally was informed of

16   this.  I vaguely remember that in the

17   Village of Rye Brook, there was knowledge

18   of in some way, shape or form this action

19   happening, and that it was brought to the

20   attention of either our operations people,

21   maybe the Airport, maybe the Transportation

22   Department, and it came up as a matter of

23   public policy, we had to discuss it.  It

24   may have come from an individual or

25   individuals from the community, I don't

Page 40

1                    GEORGE LATIMER

2    recall a specific letter that I received

3    that said I want to inform you of this.

4    But whatever they became common knowledge

5    within our operations team and Executive

6    Branch, we then had discussions about this

7    prior to moving forward with this

8    legislation.

9               It would have happened during

10   the course of 2021.  I don't recall this

11   issue having ever come across my radar

12   screen prior to that in my tenure.

13        Q.    You had mentioned earlier, and,

14   actually, we were just chatting before that

15   you've used the Airport throughout your

16   professional career?

17        A.    I have.

18        Q.    When were you first aware of

19   FBO's operating at the Airport?

20        A.     Truthfully, until I served the

21   County Legislature, I had no exposure to

22   what I would have called in those days the

23   west side of the Airport.  I thought of the

24   Airport as being the terminal, and there

25   are flights from known carriers of the day,

Page 41

1                    GEORGE LATIMER
2    whatever they were then, and whatever they
3    are now, and if I needed to fly to Boston,
4    Detroit, Washington, whatever, I could get
5    a flight, commercial flight, out of
6    Westchester as opposed to getting it out of
7    a different airport.
8               I did not know about the FBO's,
9    I was not in a position to charter a plane
10   or the companies that I worked for, that
11   they would do that, so I knew there were
12   corporate jets out there for major
13   corporations, I didn't know much of the
14   structure of it prior to becoming a County
15   Legislator.
16              When I became a County
17   Legislator, and the matter of the Airport
18   and its operations, public policy, that's
19   when I learned about some of these policies
20   that came up.  As a County Legislator in my
21   first County Legislative race in 1991, my
22   district was not one that had the Airport
23   as a major public policy matter, so the
24   issues that related to the Airport, its
25   operations, concerns or whatever else it

Page 42

1                    GEORGE LATIMER

2    was, was more of what happened once I got

3    into office, served as a legislator, and

4    then those issues came up before all of us

5    as a legislature rather than as it affected

6    me in the district level.

7         Q.     With regard to the FBO's, and I

8    keep centering back on that, it was during

9    your term as Westchester County Legislator

10   from somewhere between 1992 and 2004 that

11   you really first learned about the

12   operation of the FBO's at the Airport?

13        A.     Within the first year or two as

14   my tenure of a legislator, understood.  The

15   budget was at the end of the each year, and

16   when the budget is presented by the

17   Executive Branch to the legislature, then

18   you start to read every nook and cranny of

19   operations of the things you don't know,

20   you start asking questions in the budget

21   process.

22              So, my first year in office as

23   a County Legislator was 1992, the budget is

24   presented in the fall of 1992, and by then

25   certainly I had a grasp of the basic

Page 43

1                    GEORGE LATIMER

2    rudiments of the issue.

3              But most legislators tend to

4    focus on the issues that affect their

5    district primarily, and then only

6    secondarily the issues that are outside of

7    their district.  So, I focused on County

8    legislature I represented, Long Island

9    Sound, Playland, you know, things that were

10   germane to the district that I represented,

11   and I became more knowledgeable about the

12   County structure during my tenure.

13       Q.    You had mentioned that one of

14   the things that aided you in understanding

15   the Airport operations was the budget, did

16   the budget contain breakdowns of revenue

17   streams from the Airport?

18       A.    Budget summarized the revenue

19   streams.  The breakdowns would have to be

20   requested as backup documents.  Because

21   you -- you -- we understand that the --

22   that the County Airport is like an

23   enterprise fund, it sits outside of the

24   main County budget, and whatever profit is

25   made at the Airport cannot be applied to

Page 44

1                    GEORGE LATIMER

2    the rest of our services in the County

3    Government.

4              So, you look at it as an entity

5    onto itself, and you look at its revenues,

6    then you look at it in light of its

7    expenditures as opposed to what you might

8    do somewhere else where you say, if we have

9    fees at Saxon Woods Park because we've

10   rented the pavilion, the more rentals we

11   get at the park, the more revenue we make,

12   the more profit we make, the more that

13   helps the bottom line of our County budget.

14   The Airport sits outside of that.  So, you

15   don't look at the budget quite the same way

16   that you do other operational parts.

17        Q.    Is the Airport part of the

18   annual audit that the legislature does

19   every year?

20        A.    I assume it is, it's a

21   universal part of County Government.

22        Q.    Let's go through some

23   documents.

24              MR. NELSON:  Please mark

25        Latimer 2.

Page 45

1              GEORGE LATIMER

2              (Whereupon, the aforementioned

3         document was marked as Latimer

4         Exhibit 2 for identification as of

5         this date by the Reporter.)

6         Q.    Mr. Latimer, I am handing what

7    has been marked as Latimer 2, it's a

8    multiple-page document, and I am going to

9    ask you, I am not going to ask you to read

10   through the whole thing, if you can thumb

11   through it because I am going to ask you if

12   you recognize what this is, the extent that

13   you need to look through it to answer that

14   question.

15        A.    I don't believe I've ever seen

16   this document before, but it has been a

17   while since I was on the County

18   Legislature.  This document is dated March

19   of 2004.

20        Q.    And you were still part of the

21   County Legislature?

22        A.    I was a member of the County

23   Legislature.

24        Q.    Looking through it, can you

25   now, based upon your experience, recognize

Page 46

1                    GEORGE LATIMER

2   what it is?

3        A.     I understand what it is, I

4   don't recognize it.

5        Q.     Sure.  Well, then let me

6   rephrase it, can you understand what it is?

7        A.     Yes.

8        Q.     Can you tell me what your

9   understanding of what it is?

10       A.     Well, within the minute and a

11  half that I've had it in my possession --

12       Q.     Take your time.

13       A.     No, that's okay, if I read the

14  whole thing through, I'd have to read

15  through it for a while to grasp it, it's

16  obviously detailed, this looks like a

17  conveyance that explains the history of the

18  use restrictions of Westchester County

19  Airport in some detail which goes back to

20  things that happened that lead up to the

21  mid 1980's lawsuit case in detail.

22              In fact, I would probably like

23  to read this outside of the context of this

24  deposition.

25       Q.     In fact, if you look at, if you

Page 47

1               GEORGE LATIMER
2  look at the bottom right hand, you'll see
3  Bates stamp numbers that I will refer to
4  for the ease of finding the page I am
5  speaking about.  If you turn to the page
6  that has 5768, it's actually just the third
7  page.
8          A.    Yes.
9          Q.     That is a memorandum from the
10 Westchester County Airport to the FAA, is
11 that right?
12         A.     I assume so, but it doesn't say
13 who it's from, it says who it's to, what
14 the subject is.  Westchester County
15 Airport, I don't know, when I look at this
16 document, if this was generated by the
17 Executive Administration of the day or by
18 the Airport management of the day.  And I
19 was looking to see if the Board of
20 Legislators was specifically copied on
21 this, which I don't see.  I'd have to go
22 through it, but.
23              But obviously it was submitted
24 by Westchester to the FAA, that's obviously
25 clear.

Page 48

1               GEORGE LATIMER

2       Q.     Is it your understanding that

3   in or about 2004 that in order for the

4   Airport to maintain certain policies that

5   it must get the consent of the FAA?

6       A.     I generally know that the FAA

7   has to consent to most things that happen

8   down at the Airport.  I don't recall what

9   the issue of the day was in 2004 or since

10  this is earlier in 2004 and 2003, I don't,

11  I mean, I have to look at some of these

12  internal documents, but I don't know that

13  all of this was clear to members of the

14  legislature at this point in time because

15  there are some things that the Executive

16  Branch communicates to the FAA.

17              As I said earlier, only bring

18  the legislature in on when the legislature

19  had to take action.

20      Q.     I am going to now direct your

21  attention within the same document to 5839,

22  that is a good ways through.

23      A.     Yep, I got it.

24      Q.     Do you recognize what 5839

25  through -- do you recognize what begins on

Page 49

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 1                  GEORGE LATIMER
 2   5839?
 3        A.    Once again, it's not a question
 4   of recognition, it's if I have seen it and
 5   seeing it again, as I am reading it, I
 6   understand what it is, it is a draft
 7   proposed law, which would be enacted by the
 8   Board of Legislators to do those following
 9   things.
10        Q.    Then your all be it brief
11   review of this Exhibit, is it your
12   understanding that this draft law was being
13   submitted to the FAA for its review and
14   approval?
15        A.    Well, I presume that because of
16   the nature of the conveyance and when it
17   was done, I do recall that later in the
18   year, the Board of Legislators took some
19   action.  So, this is a package by its own
20   statement that was a review of the FAA in
21   March of 2004, and then the document that
22   you've asked me to look at on page 5839 is
23   a draft presumably of what the
24   administration would submit to the Board of
25   Legislators for our approval to implement
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Page 50

1                    GEORGE LATIMER

2    elements in this document, that is what I

3    presume this is, if I were to read the

4    whole thing.

5         Q.    Understood.

6              And, again, I know you haven't

7    read the whole thing, that is why I am

8    directing you to particular pages.

9              If, in fact, what begins on

10   5839 was submitted to the FAA for its

11   approval, would it be the practice of the

12   County of Westchester to submit a local

13   law, a proposed local law, that is

14   different from what begins on 5839 for

15   actual inaction for the legislature?

16              MR. NONNA:  Objection to the

17       form.

18       A.    My experience has been, not on

19   this particular issue, but on general

20   issues, as with any other laws or agencies,

21   State government or the Federal government,

22   we, the County, may propose something for

23   their comment.  I would have to look at

24   subsequent responses to this document from

25   the FAA to determine if there was a dialog

1                    GEORGE LATIMER

2    that occurred between the County and the

3    FAA that would then change what is being

4    proposed here before it comes to the

5    legislature.

6              My recollection, and I assume

7    you have a document that would improve my

8    recollection, was that there was action

9    taken in this general area later in the

10   year.  What I don't know is what comes in

11   between this document and what was

12   submitted to the Board of Legislators, and

13   if there were modifications, and if there

14   were modifications, were they subsequently

15   approved by the FAA.  This document is

16   what's requested by the County, I don't

17   know what the response of the FAA is to

18   this request, whether or not they

19   authorized or didn't, whatever wound up in

20   the action that we took later in the

21   Airport.

22        Q.    Understood.

23              If the FAA responded to this

24   type of submission and said, yes, but we

25   require A, B, C, D, there may be further

Page 52

1                    GEORGE LATIMER
2    dialog that ensued?
3                 MR. NONNA:   Objection to the
4         form.
5         A.      Then there may be, and I am
6    speculating, but there may be changes what
7    was submitted to the Board of Legislators,
8    you know.  I know from my current
9    experience that we have many iterations of
10   things back and forth before we submit
11   something to the Board of Legislators,
12   sometimes we consult with leadership,
13   sometimes we don't, it depends on the
14   issues and circumstances.  What we submit
15   publicly, which goes on the public record
16   that people can see, is the
17   administration's "final" position on it
18   subject to the legislature negotiating and
19   wanting to make changes.
20        Q.      And I started asking you
21   before, but if the FAA says what you said
22   before, says we need further dialog,
23   further dialog would ensue, is that right?
24        A.      Yes, I assume there would be
25   dialog, might have draft language between

Page 53

1                    GEORGE LATIMER

2    them, I don't know.

3         Q.     If the FAA says, this is

4    approved, what would happen at that point?

5               MR. NONNA:   Objection to the

6          form.

7         A.     Well, I don't know, not being a

8    lawyer, I don't know exactly what

9    implementation step the Law Department of

10   that day would take from the -- from a

11   letter of approval, to then craft the

12   legislation that would go before us, I

13   assume that day Andy Spano, County

14   Executive of that day, had his executives,

15   they had some discussions, and then they

16   submit them to the Board.  The Counsel of

17   that day, '04, was it Alan Scheinkman, I

18   forgot who was County Attorney at that

19   time, but that County Attorney also advises

20   the Board of Legislators.  I am sitting

21   downstairs at the Board of Legislators, the

22   County Attorney's office submits to us a

23   document, and asserts that it's a legal

24   form, we can act on it in the form that

25   it's on.

Page 54

1                    GEORGE LATIMER

2                At that time, I am not sure

3     even if it's true at this time, at that

4     point in time, the Board of Legislators had

5     no independent Counsel, that's different

6     from other levels of government.  There is

7     a Counsel to the State Assembly, and a

8     Counsel to the State Senate, and they

9     interpret what the Governor's, you know,

10    legal branch provides, and sometimes there

11    is conflict.

12                The Board of Legislators would

13    receive a piece of legislation from the

14    Executive, and would consult the County

15    Attorney.  The same County Attorney would

16    advise the County Executive, and we would

17    presume as the legislator that this is in

18    proper form to discuss and it had gone

19    through whatever the vetting process.

20       Q.    Let me just take it a step

21    further, if the FAA responds to the

22    submission and says in substance that local

23    law that you proposed beginning on 5839, of

24    course, those numbers weren't there, but

25    for the sake of the question, the local law

1                    GEORGE LATIMER

2     that you propose beginning on 5839, that is

3     approved, would it then be incumbent upon

4     the County to submit the local law that

5     begins on 5839 to the legislature?

6          A.    It's still the Executive

7     prerogative to submit the law when and how

8     they choose to.  So, you may have approval

9     to do something from the higher level, you

10    may -- you may determine that you have the

11    ability to slightly adjust the law, I don't

12    know, this is the matter of discussion

13    between the Counsel, County Attorney of

14    that day, and the County Executive of that

15    day, to determine if they have flexibility,

16    been given approval by the FAA, whatever

17    else happened, blah, blah, blah, so, back

18    and forth, correspondence that modifies

19    this or doesn't modify it, but that at that

20    point in time, the Executive and the County

21    Attorney would determine the actual form of

22    what would go before the Board of

23    Legislators.

24               If the Board, chairman of that

25    day would have been Bill Ryan, he would

Page 56

1                    GEORGE LATIMER

2    probably be aware of it earlier than the

3    rest of the members would be, if he saw

4    some differentiation, might ask a question,

5    might come up in committee discussion,

6    might not, I can't tell you, and I can't

7    remember.

8              I served on both the

9    transportation and the legislation

10   committee at that time, but it's 18 years

11   ago, and if I may be candid, in 2004, I was

12   running for the New York State Assembly,

13   that was a campaign, I attended meetings

14   here and did my job here, but I was also

15   focused at that point on State issues for

16   the sake of that campaign, so I was not

17   privy to any of the conversations that may

18   have gone on between this draft, its

19   potential approval, and the form of its

20   approval, and whatever was submitted to the

21   Board when it was submitted.

22        Q.    As County Executive, if under

23   your administration --

24        A.    Right.

25        Q.    -- a draft of legislation was

Page 57

1                   GEORGE LATIMER

2    submitted to the FAA, and you wished to

3    make substantive changes after its

4    approval, would you then seek further

5    approval by the FAA for those substantive

6    changes?

7              MR. NONNA:  Objection to the

8         form.

9         A.      The key is what determines

10   substantive.  If I looked at a set of

11   changes, and I thought that they were

12   substantive, and if I thought that they

13   were not consistent with the original

14   submission, if I were adding a restriction

15   of some sort, then I might feel the need to

16   go back to the FAA, and I will give you an

17   example of it, if they have a restriction,

18   voluntary flight restriction at 12

19   midnight, and if I thought that 12 midnight

20   was too late, and I wanted to change it to

21   11:00, that would be a more restrictive

22   curfew, and I would presume that I would go

23   back to the FAA for approval.

24              If I wanted to make it a less

25   restrictive curfew, and I said, you know

Page 58

1                    GEORGE LATIMER

2    what, we could live with a 1 a.m. curfew,

3    this is all theoretical, right, all

4    theoretical, a 1 a.m. curfew is less

5    restrictive, I would make the presumption

6    that the Airport, the airplanes, and the

7    various entities would prefer a later

8    curfew, so I wouldn't consider that a

9    necessity to go back to the FAA because I

10   was making it less restrictive within a

11   perimeter of restriction, I was actually

12   doing something that was for the benefit of

13   the other side of this agreement by making

14   it less restrictive.  That's all

15   theoretical because that never came up, but

16   that is, you asked me in the current state

17   how I would look at it, that's how I would

18   look at it.

19            What changes I would make to

20   make something more restrictive, then, yes,

21   I would probably need to go back to the FAA

22   going forward theoretically.

23            If I made something less

24   restrictive, I would assume that the FAA

25   wouldn't mind, and airline industry would

1                    GEORGE LATIMER

2    appreciate it, so I would make it less

3    restrictive.  And I would presume, if my

4    County Attorney agreed with me, that I did

5    not have to go back and get additional

6    approval.

7              This is all theoretical, you've

8    asked me a theoretical, I am trying to

9    think it through as I am sitting here.

10       Q.    Understood.  You're not

11   endorsing a later curfew through your

12   answer, I understand.

13       A.    No, I'm just trying to get the

14   most simplest way to compare whatever it is

15   we're talking about.

16              MR. NELSON:  This is now going

17        to be Latimer 3.

18              (Whereupon, the aforementioned

19        document was marked as Latimer

20        Exhibit 3 for identification as of

21        this date by the Reporter.)

22       Q.    Mr. Latimer, you've been handed

23   Latimer 3, and I would like you to take a

24   look at it, and take your time, again,

25   unless you want to, you don't need to read

1                    GEORGE LATIMER

2     every word, but I am going to ask you if

3     you have an understanding as to what this

4     document is.

5               But definitely take your time

6     so you'll be able to answer that question.

7          A.    I've done a cursory reading of

8     the first document.

9          Q.    Mr. Latimer, first of all, have

10    you seen the document before?

11         A.    I have not seen it prior to

12    this morning.

13         Q.    What is your understanding as

14    to what that document is?

15         A.    This appears to be the FAA

16    individual of that day, if I could find his

17    name, Mr. Whitlow, Deputy Chief Counsel,

18    his clarification of understanding from the

19    FAA's standpoint as relating to the various

20    restrictions at Westchester County Airport,

21    and they go back over a history of it,

22    lawsuit and stipulation, and the

23    implementation of it with some, you know,

24    very specific references as to how it was

25    to be implemented --

Page 61

1                    GEORGE LATIMER

2          Q.     At the time -- that was an

3    instance where I interrupted you, and I

4    apologize.

5          A.     It's okay.

6          Q.     I am going to read a sentence

7    on the top of the second page and ask you a

8    question about it, it says, "According to

9    the County, all changes will make the

10   limitations less restrictive than those in

11   effect today."

12               With regard to that sentence,

13   do you have any reason to believe that that

14   is not an accurate statement?

15         A.     Do I have any reason to believe

16   that that is not accurate?

17               No, I believe it is still

18   accurate, to the best of my knowledge, this

19   was made in '04, obviously, I can't speak

20   to what's happened between that time and

21   when we came into the office, I don't know

22   that we have made anything to make it -- to

23   make a change that makes it more

24   restrictive, which would be opposite of

25   what is stated here.

Page 62

1                    GEORGE LATIMER
2        Q.     Let me go now to page 5906,
3    that's page 8 of the document.
4        A.     All right.
5        Q.     I am going to read this
6    sentence to you and ask you a question
7    about it, but it's the paragraph under the
8    set of bullets, starts with based, the
9    words based upon, do you see --
10       A.     Yes, based upon.
11       Q.     Right, "Based upon the above,
12   we can conclude that Westchester County has
13   had an access restriction in effect on or
14   before October 1, 1990, and as a result,
15   the County's restriction is "grandfathered"
16   under ANCA and is therefore not subject to
17   its requirement."
18              What is your understanding of
19   that sentence?
20              MR. NONNA:   Objection to the
21         form.
22       A.     My understanding, layman's
23   understanding is, is that whatever ANCA
24   rules were created, the restrictions at
25   Westchester County predate them, and,

Page 63

1                    GEORGE LATIMER

2    therefore, it is grandfathered as asserted

3    or as agreed to, if you want to call it

4    that, by the author of this letter, who at

5    the time was Counsel of the FAA.

6         Q.     I believe you said this, but

7    your understanding that this June 9, 2004

8    letter was in response to the submission

9    that we had talked about under Latimer 2 --

10        A.     I assume that is the case.

11   Now, I don't know who the law firm is here,

12   Kaplan, Kirsch, and Rockwell, and who they

13   represented.  They represent somebody that

14   he felt the need to inform.  So, perhaps an

15   airline that is represented by Kaplan,

16   Kirsch, and Rockwell, I don't know, I don't

17   know.

18             MR. NELSON:  Let's continue.

19        This is Latimer 4.

20             (Whereupon, the aforementioned

21        document was marked as Latimer

22        Exhibit 4 for identification as of

23        this date by the Reporter.)

24        Q.     Mr. Latimer, I am handing you

25   what has been marked Latimer 4, again, I am

Page 64

GEORGE LATIMER

1

2    going to ask you to look through that, and

3    I am going to ask you two questions, one,

4    have you seen it before, and, two, what is

5    your understanding of what it is, as much

6    time as you need to review it?

7         A.    Okay.

8         Q.    With regard to that document,

9    number one, have you seen it before?

10        A.    I signed it, so, yes.

11        Q.    What is it?

12        A.    This is a conveyance from the

13   Executive, well, it is a conveyance from

14   the Board of Legislators with a committee

15   report and a committee vote that

16   establishes a series of rules, protections,

17   I would call them, at the County Airport,

18   which is voted out by two committees, I was

19   a member of both, transportation and

20   legislation, which I eluded to earlier.

21   And my signature as a member of both of

22   those two committees.

23              And I do remember this going

24   before the Board of Legislators, this

25   document does not convey -- yes, it does

Page 65

1                    GEORGE LATIMER

2     convey the final vote, which was unanimous

3     and bipartisan, the adoption of this

4     legislation.

5          Q.     So, you mentioned that your

6     signature is on page 856, it's actually on

7     that page, it's on the upper right-hand

8     corner?

9          A.     Yes.

10          Q.     That is your signature?

11          A.     That is my signature on both

12     committees.

13          Q.     Right, on both sides, George

14     Latimer?

15          A.     Yep.  This means it was

16     reported out of each committee favorably.

17          Q.     I am going to ask you a

18     question then on page 855, that is the

19     bottom page, that is 3581, if you're

20     looking at the top page, and I am going to

21     read, as I did before, a sentence and ask

22     you a quick question.

23               "Your committee is informed

24     that, in order to secure FAA consent, it

25     was necessary to demonstrate to the FAA

Page 66

1                    GEORGE LATIMER

2    that the provisions of the local law are no

3    more restrictive than the restrictions that

4    had been in effect at the Airport since

5    1990."

6                    Do you agree with that

7    sentence?

8         A.    Well, the sentence says that

9    the committee, which I am a member of, has

10   been informed that this is accurate.  Being

11   informed by the Executive Branch and County

12   Attorney.  So, we're acknowledging that

13   we're told that these are no more

14   restrictive than what has been in place.

15        Q.    I'm also going to read the next

16   sentence, "In fact, had the County

17   attempted to adopt new or more stringent

18   restrictions, not only would the effort

19   have been denied, but the County could have

20   lost all the restrictions that are

21   currently in place."

22                   What is your understanding with

23   regard to that sentence?

24        A.    It is very straight forward,

25   which is that this document codifies what

Page 67

1                    GEORGE LATIMER
2     protections had been in place, and any
3     desire to add additional protections,
4     whatever those might be, could jeopardize
5     these protections, and that is the
6     rationale for why these particular
7     protections are being asked to be codified
8     in this regulation document.
9          Q.    Let's keep going through the
10    pages, we have touched upon your signature
11    page, which is the following page, not just
12    your signature page, the committee's
13    signature page, and then on page 3583, at
14    the top page number, what is this document,
15    what is this page?
16         A.    3583?
17         Q.    Yes, I went to the top number
18    of pages, they're sequentially numbered.
19         A.    Oh, I am sorry.
20              MR. NONNA:  3583 at the top
21        right.
22         A.    This is a conveyance from the
23    Planning Department that the SEQRA review
24    process has been done on this particular
25    piece of legislation, and that there was no

1                    GEORGE LATIMER

2    further internal review required as a type

3    two action.

4         Q.    Let's go to the next page,

5    which is 3584, can you tell me what that

6    page is?

7         A.    This is what we would call the

8    short form, SEQRA status, the Planning

9    Department reviews the law, and then

10   asserts that it's classified as a type two

11   action, and gives the reference that it

12   is -- it does not need a more detailed

13   study, that this is sufficient to qualify

14   what its environmental impact, that it

15   would not be a negative impact, describe

16   what you would have to do to mitigate the

17   impact.

18        Q.    Let's go to the next page,

19   which is 3585, can you tell me what this

20   page, and candidly, following pages are?

21        A.    This is the local law itself

22   that is being adopted.  What we had earlier

23   is a committee report, SEQRA review, and

24   the actual language itself of the law that

25   would codify those different regulations.

1                    GEORGE LATIMER

2        Q.     Is this, starting on 3585, is

3   this the law that was actually codified or

4   is this proposed legislation or something

5   else?

6        A.     This is actually what was

7   passed.  This is what was voted on, 17, I

8   think, by the Board.

9               (Whereupon, an off-the-record

10         discussion was held.)

11        Q.     Who is Susan Spear?

12        A.     Susan Spear is currently the

13   Deputy Commissioner of the Department of

14   Emergency Services.  She previously served

15   in our executive chamber on the 9th floor

16   in operations.

17        Q.     What were her duties and

18   responsibilities in operations?

19        A.     Well, she was the No. 3 person

20   behind Joan McDonald and Emily Saltzman.

21   Joan would have assigned her certain areas

22   of public policy to monitor and report on

23   when she was with us upstairs, and I can't

24   recall how long ago she left to become a

25   Deputy Commissioner.  She was promoted to

Page 70

1                    GEORGE LATIMER

2    become a Deputy Commissioner.

3         Q.     In 2019, was she also your

4    assistant?

5         A.     She wasn't my assistant.  The

6    way I've described her position is what

7    she's had.  You know, she and I, as

8    everybody on the 9th floor, interact with

9    each other, and I might ask a person to do

10   a particular thing, but she's not an

11   assistant, she had direct responsibility in

12   role and operations.

13        Q.     Did she from time to time

14   e-mail for you?

15        A.     E-mail for me?

16        Q.     For you?

17        A.     Perhaps, you know, in

18   responding to something.

19             MR. NELSON:  Can I have this

20       marked Latimer 5?

21             (Whereupon, the aforementioned

22        document was marked as Latimer

23        Exhibit 5 for identification as of

24        this date by the Reporter.)

25        Q.     Mr. Latimer, I am handing you

Page 71

1                    GEORGE LATIMER
2    Latimer 5, it's an e-mail from Susan Spear,
3    if you look down under her e-mail
4    signature, it does say, assistant to
5    Westchester County Executive George
6    Latimer?
7         A.    Yes, the legal title for the
8    people that we have on the 9th floor are
9    all assistants.
10        Q.    Understood.
11        A.    Budgetary assignment.  If you
12   look at the business cards, if you go
13   upstairs right now, you could look at the
14   budget right now and it will say assistant,
15   assistant one, assistant two, but if you
16   look at the business cards, it will say,
17   director of policy and program, particular
18   area or whatever else the other title is.
19        Q.    With regard to this particular
20   e-mail dated March 1, 2019, looks like 9:46
21   a.m., is that --
22        A.    Yes.
23        Q.    It looks like there is a Google
24   search she's indicating, but below that, it
25   says, also note JetSmarter TUR/TUA

Page 72

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 1                    GEORGE LATIMER
 2   compliance is a developing issue, do you
 3   see where she says that?
 4        A.    I see it, yes.
 5        Q.    What is your understanding --
 6        A.    I have no understanding, never
 7   seen this before, wasn't copied on it.  I'm
 8   not sure what JetSmarter is.  I don't know
 9   what this Google search that was done at
10   that time.
11        Q.    Do you know what TUA stands
12   for?
13        A.    Terminal Use Agreement.
14        Q.    Looks like perhaps the TUR may
15   have been TUP, typo, for Terminal Use
16   Procedure, but we'll leave that aside.
17        A.    When I see it --
18              MR. NONNA:  Is that a question?
19              MR. NELSON:  No, it was just a
20         comment.
21        A.    Okay.
22        Q.    I am sorry, you were saying,
23   you weren't answering a question, but was
24   there something else you wanted to add?
25        A.    All it is is that when I see
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Page 73

1                   GEORGE LATIMER

2    TUR, I interpret it to mean Terminal Use

3    Regulations, and TUA is Terminal Use

4    Agreement.

5         Q.    Are you familiar with an entity

6    called JetSmarter?

7         A.    I am not.

8         Q.    Let's look at the Google search

9    that she had put in there, and, again, I am

10   not, we're going to focus more on the words

11   rather than the numbers, and so on and so

12   forth, but do you see where it says, well,

13   I'll read it, it says, HTTP// I am going to

14   skip over, private-charter-standard-

15   security-program-what-you-need-to-know,

16   does that help you at all with regard to

17   your understanding of what JetSmarter is?

18        A.    No.

19             MR. NELSON:  Please mark this

20       6.

21             (Whereupon, the aforementioned

22        document was marked as Latimer

23        Exhibit 6 for identification as of

24        this date by the Reporter.)

25        Q.    Mr. Latimer, I am handing you

Page 74

1                    GEORGE LATIMER

2    Latimer 6.

3         A.    Okay.

4         Q.    Again, it's an e-mail chain,

5    and I think what makes sense is let's sort

6    of start from the bottom up, which is

7    chronological order, do you see an e-mail

8    on the bottom from an individual named

9    Peter Schlactus?

10        A.    Yes, I do.

11        Q.    Do you know who that is?

12        A.    I do.

13        Q.    Who is Peter Schlactus?

14        A.    He's a resident of the Village

15   of Rye Brook, he heads the Village of Rye

16   Brook Airport Committee, and he serves on

17   our Airport Advisory Board.  More recently

18   he's a principal in an advisory group,

19   Airport group, concerned about Airport

20   expansion.

21        Q.    The e-mail is March 1, 2019,

22   7:59 a.m., that is the one I am looking at.

23        A.    Same.

24        Q.    To Susan Spear, that is the

25   same person we were speaking about earlier,

Page 75

1                    GEORGE LATIMER

2    right?

3         A.     Mm-hmm.

4         Q.     This e-mail, take a moment to

5    read it, it's not particularly long, take a

6    moment to read through it.

7         A.     Okay, I've read it.

8         Q.     Is it your understanding that

9    Mr. Schlactus was, in part, responding to

10   the County Law Department's conclusion that

11   the Terminal Use Procedures did not apply

12   to JetSmarter or Federal Aviation

13   Regulation, Part 135, Air Carrier

14   Operations?

15        A.     Well, that is what he states in

16   his letter or his conveyance.  I don't see

17   a prior conveyance from someone in the Law

18   Department that says those things, but he's

19   certainly saying that.  I don't know, you

20   know, I am unaware of JetSmarter, I've

21   never seen this e-mail chain before, so I

22   don't want to try to guess as to what

23   generated Peter's e-mail.

24              But, as I've said, he has a

25   number of different positions that give

Page 76

1                   GEORGE LATIMER

2     him, you know, concern and access to

3     information about the Airport, so I am not

4     surprised to see an e-mail like this.

5          Q.    Ms. Spear responds at 9, sorry

6     at 10:49 a.m., and says, "See below from

7     AAB Chairman Peter Schlactus in response to

8     the JetSmarter e-mail I sent him yesterday,

9     as we discussed.  He is pushing back on

10    legal opinion.  Any suggestions for a

11    response?"

12                Is it your understanding that

13    Susan Spear, in fact, sent an e-mail to Mr.

14    Schlactus regarding JetSmarter?

15         A.    Well, I don't know what the --

16    I don't know what precedes that, and I

17    don't know what follows this.  I see what I

18    see here, and I believe that during this

19    period of time, Susan was the liaison in

20    her responsibilities to the AAB.  So, it is

21    not at all surprising to me that Schlactus

22    could be communicating, he was chairman of

23    Airport Advisory Board at that point, the

24    County wide Airport Advisory Board, he

25    would have likely sent her something, and

Page 77

1                    GEORGE LATIMER

2     she would be responding.

3               What I read here is just what

4     you see, he sees something, he's eluding to

5     a County Law Department response, but he

6     sees something that he thinks is a concern,

7     he's sending it to her, and she's in turn

8     contacting people in the Law Department,

9     our chief of staff at the top to, you know,

10    get a response, to evaluate a response to

11    Schlactus.

12        Q.    Is it your understanding that

13    there is an additional e-mail, additional

14    to these two e-mails, I should say, that

15    Susan Spear sent Peter Schlactus on the day

16    before March 1, 2019, which I guess would

17    either be February 28, 2019 or if it were a

18    leap year, February 29, 2019?

19        A.    I am not aware of any other

20    e-mails in this chain, if that is what

21    you're asking me.  I saw what you gave me a

22    minute ago, which looks like it's around

23    the same time, same date.  But these are

24    the first two documents of seems to be this

25    communication that went back and forth.

Page 78

1               GEORGE LATIMER

2          MR. NELSON:   Let's mark this

3      Latimer 7.

4          (Whereupon, the aforementioned

5      document was marked as Latimer

6      Exhibit 7 for identification as of

7      this date by the Reporter.)

8      Q.    Mr. Latimer, I am handing you

9   Latimer 7, I would like you to take a look

10   at that.

11      A.    Okay.

12      Q.    Mr. Latimer, the main body of

13   this e-mail is an e-mail from Christopher

14   Bradbury to you sent on April 26th, April

15   26, 2021 at 2:15 p.m., do you see that

16   portion of it?

17      A.    Yes, mm-hmm.

18      Q.    Do you recognize the e-mail?

19      A.    Yes.

20      Q.    And what was your understanding

21   of what Mr. Bradbury was conveying to you?

22      A.    Well, if you remember earlier

23   in my deposition, you asked me a question

24   of when was I made knowledgeable about

25   certain things, so I can't recall

Page 79

1                    GEORGE LATIMER

2    specifically when I thought I got

3    communications from Village of Rye Brook, I

4    believe I said this already, it was

5    sometime earlier in 2021, so this was most

6    likely what I was thinking of without

7    remembering the specifics.

8                    Chris, as a Village

9    administrator, I know for a long, long

10   time, I represented Rye Brook in my

11   legislative positions previously in the

12   State Legislature, we had regular dialog,

13   and he would normally send me things that

14   he thought I should know about certainly

15   the Airport.

16                    I recall seeing this document,

17   I did not know what Blade was prior to

18   getting this particular document.  I see

19   Ellen Hendrickx' conveyance to a couple of

20   individuals.  To the best of my

21   recollection, when I saw this document, I

22   alerted operations people to this.

23                    I, you know, I don't have a

24   copy of whether I took this e-mail and then

25   sent it to the Executive Committee, that

1                    GEORGE LATIMER

2    would have been what I might have normally

3    done, but I don't know that I did or didn't

4    do that.  But I know that we had a

5    conversation about this at an Executive

6    Committee meeting that would have come up

7    in some approximate time to this.

8               At the time Ellen Hendrickx

9    sent this, she was Deputy Director of

10   Intergovernmental Activity, which is how

11   she would have been interacting with Chris

12   Bradbury, a municipal ask, and she was

13   responsible for the municipal side of our

14   intergov.  She's now Director of Research,

15   still on the Executive Team.

16               But, uhm, you know, I didn't

17   see her conveyance of it to these people,

18   but these would be some of the people on

19   our Executive Committee.  That would be

20   Joan McDonald, Emily Saltzman, Ken Jenkins

21   would have also been made aware of this.

22               I did see this and I did

23   recognize that we had to investigate what

24   this was and have some response back to

25   Chris so he knew that we were on top of it.

1                    GEORGE LATIMER

2        Q.      Who is Andrew Ferris?

3        A.      He's Chief of Staff on the 9th

4   floor.   He reports directly to me.   He's

5   one of the few people that does not report

6   to Joan McDonald.   He is, in essence, the

7   person who helps the implement the things

8   that I want to see done amongst the

9   Executive Team.

10       Q.      Who is Steven Bass?

11       A.      He's the Director of

12   Intergovernmental Affairs, I guess, I

13   forgot what we exactly call it in the

14   office.   He had that position, he's had

15   that position with us three years, and

16   certainly during this period of time.   And

17   his interaction with this would have been

18   because he was overall responsible for our

19   work in intergovernmental which includes

20   how the Executive Team interacts with

21   State, Federal, County Board of

22   Legislators, and local government.   So

23   Ellen as his subordinate, Deputy Director,

24   is informed by something on the local

25   government so she's keeping Steven

1                    GEORGE LATIMER

2    informed, and she also informs Andrew

3    Ferris and Joan.

4         Q.    Do you know what was done by

5    your administration in response to this

6    e-mail?

7         A.    Well, I can't tell you the

8    exact next step, but this e-mail triggered

9    all of us being aware that there was this

10   entity Blade that was operating, and

11   apparently operating in a different way

12   than other entities have operated at the

13   Airport.

14              I eluded to it earlier that my

15   general sense at the Airport was that there

16   was a commercial side and a general

17   aviation side.  In my mind or at least I

18   had some understanding of what segmented

19   each of those two things.  When I read

20   this, which made me go, okay, this is

21   something different, this is taking an

22   element that conceivably should operate out

23   of the commercial side, but operating it

24   out of the general aviation side, what is

25   this, what is the, you know, what is the

Page 83

1                    GEORGE LATIMER
2    backup of this.
3              And, you know, I make the
4    presumption that because Chris is the
5    Village Administrator, Peter Schlactus,
6    with his many titles, is the head of the
7    Village's Airport Advisory Board, may have
8    said something to Chris, and Chris
9    generated this letter to me.
10             Which includes on this, Paul
11   Rosenberg, who is the mayor at the time of
12   the Village, and Stephanie Fischer, who is
13   a member of the Village Board, Nancy Barr
14   is the County Legislator that represents
15   that area, Alex Marshall is the assistant
16   to Chris Bradbury, so really telling
17   everybody in his world of interaction with
18   the County that this is a concern.
19        Q.    Peter Schlactus is not in
20   government, is that right?
21        A.    Well, he serves, as I
22   mentioned, in two capacities as on boards
23   and commissions as a voluntarily
24   individual.  The Airport Advisory Board,
25   he's now a member of the Airport Advisory

1                   GEORGE LATIMER

2    Board, he's on a chair, it's an unpaid

3    position, advisory position, but "in

4    government" because he has a seat at the

5    table, and he is the chair of the Village's

6    advisory board on this, also unpaid, and so

7    in that regard, he is, you know, he

8    provides advice to the Village on these

9    issues.  He lives near the Airport, very

10   active in these things.

11        Q.    You may have said this before,

12   Ellen Hendrickx, what was her position?

13        A.    At the time of this memo, she

14   was the deputy or assistant, I forgot the

15   title, Assistant Director of

16   Intergovernmental Services, which meant

17   that she was subordinate to Steve Bass.

18   She is currently our Director of Research,

19   I moved her to a different function, same

20   office upstairs, but at this time she was

21   involved in intergov, and she was, uhm, she

22   was copied on this, and as you see, she was

23   the first person copied by Chris, so she

24   was the local contact for Chris, as was, by

25   the way, she was the local in municipal

Page 85

1                    GEORGE LATIMER

2    government, we would get God knows how many

3    different e-mails from any of the 45

4    governments, and Ellen was copied on it,

5    and she takes the initiative to tell her

6    boss Steve and other folks.

7              Now, she didn't send this to

8    me, I didn't see this initially because I

9    had gotten it directly from Chris.  So, she

10   felt, I'm assuming the people she sent it

11   to are not on the original conveyance list.

12   She saw the e-mail from Chris to me did not

13   include Andrew, Steve or Joan, that is why

14   she sent it to them.

15        Q.    You had known Chris Bradbury

16   for some time?

17        A.    A long time.

18        Q.    Would you normally have

19   received this type of e-mail or do you

20   think you got it because of the

21   relationship or some other scenario?

22        A.    I think -- I think it is --

23   it's normal for a town or village

24   administrator to contact us as a government

25   directly if there is a County issue.  If,

Page 86

1                    GEORGE LATIMER

2     you know, a County bus shelter is in poor

3     shape, that sits within a town or city,

4     they would convey to the County government,

5     this bus shelter, which you own, there is a

6     problem, we need to have some action.

7                When I look at who he copied,

8     he copied his County Legislator, Nancy

9     Barr, and me as the other elected official

10    that represents them.  The fact that we

11    have a working and a friendship, you know,

12    a working friendship, we knew each other

13    very well over an extended period of time

14    means he had a comfort of doing that.

15    Maybe someone that didn't know me that well

16    would have sent to the County Legislators

17    and not to me.  When I get something like

18    this, it's not a surprise, the nature of

19    the relationship you develop over time.

20                MR. NELSON:   This is Latimer 8.

21                (Whereupon, the aforementioned

22          document was marked as Latimer

23          Exhibit 8 for identification as of

24          this date by the Reporter.)

25        Q.    Mr. Latimer, do you know, are

Page 87

1                    GEORGE LATIMER

2    you familiar with a company called AvPORTS?

3         A.    Yes.

4         Q.    Can you tell me what AvPORTS

5    is?

6         A.    They are an organization that

7    we have contracted with to provide

8    day-to-day management at the Airport, at

9    the County Airport.  They have other

10   airports that they also manage in some

11   similar fashion, and they directly report

12   to our Department of Public Works/

13   Transportation, Hugh Greechan is the

14   Commissioner, and they are tasked with all

15   of the day-to-day management of the things

16   that happen at the Airport.

17        Q.    In addition to day-to-day

18   management, is AvPORTS tasked with

19   promulgating policy at the Airport?

20        A.    You know, it depends on what is

21   considered policy.  If you have an agreed

22   upon, uhm, policy, that's been cleared by

23   the Department of Public Works or senior

24   management, then they can issue policy to

25   everybody in the Airport, whether they

Page 88

1                    GEORGE LATIMER
2    created the policy or they created the
3    policy and got approval for the policy
4    would depend on the specifics, but they
5    would communicate with the various players
6    at the Airport, the various vendors, the
7    FBO's, potentially the airlines, stating X,
8    Y, or Z, that would relate to this is the
9    way we're going to do this thing, whatever
10   is embedded in the policy.
11             Whether they convey policy does
12   not necessarily to me mean they created the
13   policy, maybe they do, it depends.  If
14   we're talking about, you know, we've
15   established recycling bins, please use
16   them, they would have the authority to do
17   that, they wouldn't have to run that up the
18   flagpole to senior management.
19             If it falls in a different way,
20   maybe it does require our approval, depends
21   on the specific policy their issue is.
22        Q.    Would the perimeters of what
23   you're talking about, would that be spelled
24   out in the contract?
25        A.    To some degree it would be, but

1               GEORGE LATIMER

2     I think some of it too would be subjective.

3     There would be a dialog where now the

4     manager, current manager, April Gasparri,

5     the prior manager, Peter Scherrer, would

6     have some issue on their table, they might

7     determine that we need to tell all of our

8     vendors this thing, whatever it is, and

9     they would most likely have conversation,

10    April would most likely have conversation

11    with Hugh Greechan, and then depending on

12    how Hugh viewed it, if it was something he

13    felt comfortable, he would give her a

14    direction on it, fine.

15               If he wanted to run it up the

16    flagpole further, probably Joan and Emily

17    would be involved in it, and if it became

18    something of a greater magnitude, then it

19    would come before the full Executive

20    Committee, myself, Ken, the rest of it.

21               It depends, and I would have to

22    theorize what falls into what bucket.  We

23    have a good working relationship with

24    AvPORTS, and specifically the manager,

25    April Gasparri, now, so it's rare it's

Page 90

1                    GEORGE LATIMER

2      something that gets all the way up to the

3      point which we would sit in the Executive

4      Committee and say, you know, it's policy of

5      the Airport.  It would have to be of the

6      highest magnitude for us to directly

7      discuss it and, you know, approve it.

8                    And, you know, self statement,

9      I am not a micro manager as an Executive,

10     different people do it differently,

11     obviously, there is no right way, it's the

12     personality of the Executive.  I have

13     confidence in the people we appoint to a

14     position, and I give them wide birth.

15                   So, it's not surprising to me

16     if you see certain memos that I am not on

17     it, I don't have that kind of style.  Other

18     Executives in public office have different

19     styles as we have seen over the years.

20          Q.     How are the communication

21     channels between AvPORTS and the County?

22          A.     From where I am sitting, I

23     think they are good.  If I ever have a

24     question about something, I would go

25     through the channels.  I'll tell Joan and

1                    GEORGE LATIMER
2    Emily, most likely, and then I will say,
3    hey, such and such a thing, will you check
4    it out.
5              It's just as easy for me, if I
6    have what I think is a minor question, I
7    might call April directly.  April, George,
8    I tend to be on a first name basis with
9    everybody in the government, such and such
10   a thing has occurred, how do we handle
11   that, and she'll tell me, are you
12   comfortable with that, does that need to
13   change.
14             And then I'll say go through
15   the process, I don't want to make policy in
16   a telephone conversation.  But I might get
17   a call from someone, I was just at the
18   Airport, yada, yada, so I might call her
19   directly.  I think the relationship is
20   good, it's a personal relationship, but
21   also structural.  If a "policy" is of a
22   greater magnitude, then AvPORTS consults
23   and goes up the ladder.
24        Q.    Are there formalized modes of
25   communication?

Page 92

1                    GEORGE LATIMER

2        A.      I can't tell you, you know, how

3    frequently AvPORTS representatives meet

4    with Hugh and/or meet with Joan and Emily.

5    I assume there's some periodic situations.

6    We have meetings, for example, of the

7    Airport Advisory Board, that is once a

8    month, and at that meeting, the DPWT is

9    represented, AvPORTS, April, would be

10   present, and that is a regular monthly

11   thing that happens all year long.

12            Whether there is a formalized

13   structure separate from that, I can't tell

14   you.  There is some monthly reporting of

15   statistics that come out of the Airport

16   that talk about activities, number of, I

17   guess, flights or number of whatever, that

18   occur at the Airport.  I don't always see

19   those reports, you know, it's more like

20   something significant is changing out there

21   and it's important for me to know.

22            If the oscillation of things

23   looks like it's within a certain area and

24   sort of consistent and it doesn't normally

25   come before me nor does it normally come

Page 93

1                    GEORGE LATIMER

2    before discussion in the Executive

3    Committee.   It stays within the lanes as

4    necessary.

5              My sense is it's a good working

6    relationship, there may be some formalized

7    structures, Jonathan, that I am not

8    familiar with every periodic period of time

9    April speaks to Hugh about this, but, you

10   know.

11        Q.    Thank you.

12              Mr. Latimer, I am going to show

13   you Latimer 8.

14        A.    Okay.

15        Q.    Now, this is an e-mail dated

16   April 26, 2021, 12:23 a.m., and I am going

17   to ask you, who is Tom Rumbarger, if you

18   know?

19        A.    I am not familiar with Tom.

20        Q.    How about Peter Scherrer?

21        A.    Peter was the Airport manager

22   prior to April.

23        Q.    This e-mail appears to be from

24   vice president of strategic and corporate

25   development, David Drabinsky of JSX?

Page 94

1                     GEORGE LATIMER

2          A.      I am not familiar with him.

3          Q.      Now, with regard to what is

4    conveyed in this e-mail, and I will quote

5    the part I am going to ask about, "To

6    confirm our discussion, all JSX flights

7    proposed for HPN are on demand charter

8    flights operated under 14 CFR part 380.

9    These flights are operated by JSX's wholly

10   own subsidiary Delux Public Charter.

11   Federal aviation regulation 110.2 is clear

12   part 380 operations are not categorically

13   on demand operations."

14               I'm not going to ask you to

15   opine about that --

16          A.      Good.

17          Q.      -- I am going to ask you about,

18   do you have an understanding of whether

19   that sentiment was communicated to the

20   County from AvPORTS?

21               MR. NONNA:   Objection to the

22        form.

23          A.      I've truthfully never seen the

24   document before.  I am to the familiar,

25   other than Peter Scherrer, I am not

1                     GEORGE LATIMER

2    familiar with the other players involved.

3    I am not familiar with JSX operation and

4    how it played through, so I am really

5    unable to comment intelligently nor the

6    reference that they make as to what the

7    justification is for these things.

8          Q.    I understand, what I'm getting

9    at, I am just wondering, assuming for the

10   sake of this question that this is

11   important information --

12         A.    Yeah.

13         Q.    -- what would the mechanism be

14   for this information, if there is a

15   mechanism, what would it be for this

16   information to be conveyed to the County?

17              MR. NONNA:  Objection to the

18      form of the question.

19         A.    I would assume that Scherrer,

20   this is an assumption, or now April, upon

21   receiving something like this, and we'll

22   assume that an Airport manager understands

23   more of the backdrop and details would

24   immediately be in touch with Hugh Greechan

25   as Commissioner of DPWT, that we have a

Page 96

1                 GEORGE LATIMER

2    liaison of Aviva Meyer, you've seen her

3    name on a couple of things here, she

4    performs perhaps the liaison efforts that

5    Susan Spear provided a number of years ago.

6    Aviva is on our Executive Team upstairs,

7    she's the Director of Program and Policy,

8    and she might be on the loop as well with

9    Hugh.  And then in the discussion of this,

10   which looks significant enough, to come up

11   to the Joan and Emily level of discussion,

12   and then because it involves some

13   interpretation of what is in the law, then

14   I suspect the County Attorney's office

15   would be involved in that as well.

16            It just depends on the initial

17   conversation as Scherrer in this particular

18   case or April, if something else were to

19   happen now, as they convey this

20   information, they have a discussion about

21   it, they say, well, this is significant,

22   and we better loop in other people who were

23   involved in making an assessment as to what

24   this actually represents.

25            That's probably how it works, I

Page 97

1                    GEORGE LATIMER

2    can't speak specifically in this case as I

3    was not looped into any of this.

4              MR. NELSON:   Latimer 9.

5              (Whereupon, the aforementioned

6          document was marked as Latimer

7          Exhibit 9 for identification as of

8          this date by the Reporter.)

9         Q.    Mr. Latimer, I am handing you

10   Latimer 9, and ask you to take a look at

11   that, please.

12        A.    Okay.

13        Q.    Okay, so, Latimer 9 appears to

14   be a letter written by Peter Scherrer,

15   Airport manager, on November 5, 2021, do

16   you agree?

17        A.    Yep.

18        Q.    And the first line says, this

19   letter responds to your e-mail of October

20   26th, and that, would you agree, appears to

21   reference Latimer 8?

22        A.    Yes, right, that is why I

23   looked back to double-check.

24        Q.    I am going to focus a little

25   bit on the last page.  Particularly, I am

Page 98

1                   GEORGE LATIMER

2     going to look at the cc's.

3               One of the cc's is Joan

4     McDonald, I know you've made mention of

5     Joan a number of times.

6          A.    Yes.

7          Q.    It says, Director of

8     Operations, is Director of Operations, can

9     you give us a overview of what Ms.

10    McDonald's role would be --

11         A.    She would be in the private

12    sector what you would call a COO, Chief

13    Operating Officer, CEO is at the top of the

14    pyramid, COO has day-to-day

15    responsibilities.  The operating

16    departments of County Government, the

17    departments and the offices all report in

18    to Joan, I often reference her and Emily

19    Saltzman, Emily Saltzman is the Deputy

20    Director of Operations, the two of them

21    work in close quarters, Joan, the ranking

22    officer, Emily, her right hand, and not in

23    an administrative way, in a professional

24    policy related way.

25               Joan, for the record, is a

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 1                    GEORGE LATIMER
 2    former New York State Commissioner of
 3    Department of Public Transportation for New
 4    York State.  She's a former Commissioner of
 5    Economic Development for the State of
 6    Connecticut.  She's a woman of great
 7    substance, she's had some very big jobs in
 8    her prior experience.  And almost every
 9    department reports through her, there are
10    some exceptions, a couple of exceptions.
11         Q.    She's been with you your
12    entire administration?
13         A.    From the beginning of the
14    administration.
15         Q.    And then Hugh Greechan, I know
16    you mentioned Hugh a number of times --
17         A.    Yes.
18         Q.    -- is that the Hugh you were
19    referring to?
20         A.    Yes, correct, he's Commissioner
21    of Public Works and Transportation.  He
22    joined the administration about a month in.
23    He previously worked in County Government
24    for a number of years, left it 10 years
25    before he came back.  Had other assignments
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1                    GEORGE LATIMER

2    with other significant organizations, did

3    some consulting work and so forth, and I

4    asked him to come in and head up our Public

5    Works/Transportation Department.

6         Q.     And, of course, Mr. Nonna who

7    is setting next to you?

8         A.     Correct.

9         Q.     Prior to Mr. Scherrer writing

10   this letter to David Drabinsky of JSX, did

11   Mr. Scherrer receive authorization from the

12   County?

13        A.     Well, what I presume, looking

14   at the cc's, is that Peter, when he got

15   that prior conveyance from Drabinsky, he

16   did exactly what I described, which is he

17   went up the ladder.  I couldn't tell that

18   from the e-mail he received, but now I see

19   he was copied on it, makes logical sense.

20   There was a conversation between Joan and

21   Hugh, John, of course, as attorney/client

22   privilege, may have well been part of those

23   conversations as well, and they had a

24   discussion about the response that would be

25   appropriate to this.  And I have to presume

1                    GEORGE LATIMER

2    actually that Ken Jenkins and myself may

3    have been involved in those conversations

4    as well because the nature of that e-mail

5    represents, as you can see from the

6    response, this represents a major matter of

7    policy, this is not recycling bins in a

8    terminal.

9              I don't recall the JSX

10   reference, but I would not be surprised if

11   we sat and discussed, what do we do with

12   organizations plural, one or more, that may

13   be operating out of the FBO's, but

14   operating at what could be interpreted to

15   be a commercial passenger service.

16              So this response would reflect

17   the policy, not just of that, of course,

18   but the policy of the County.

19        Q.    Let just focus on that for a

20   moment, you mentioned that this is not a

21   recycling bin, this is, you know, this is

22   policy.

23              During the discussions that

24   lead to this policy, where would they take

25   place, I mean, can you just describe them

Page 102

1                    GEORGE LATIMER
2    to me?
3                MR. NONNA:  I have to object to
4        the form.  You asked two questions
5        there, I am sorry.
6                MR. NELSON:  Let me rephrase.
7                MR. NONNA:  One question at a
8        time.
9        Q.    Can you describe the
10   discussions that took place prior to this
11   policy?
12               MR. NONNA:  Objection to the
13       question to the extent it calls for
14       disclosure of privileged
15       communications with Counsel.
16       Q.    Mr. Latimer, let me be
17   perfectly clear, I am never asking for
18   anything that was either in Executive
19   session, you know, with your attorney or
20   directly with your attorney.
21       A.    In most cases when an issue
22   arises, we discuss it operationally, and
23   then we consult with Law, and the minute we
24   consult with Law, we recognize that we're
25   now getting legal opinions about what to

1                GEORGE LATIMER

2    do, which may or may not be harmonious with

3    operationally opinions of what to do.  It's

4    my responsibility to figure out how we

5    adjust that.

6              Looking at the flow of

7    information, I don't recall a specific

8    meeting, but I do recognize from this, and

9    who was copied on this, that the Drabinsky

10   letter triggered a discussion.  I recall,

11   in general terms, a discussion which may

12   have been, you know, the physical where is

13   not what you are asking really, it's under

14   what sequence of events, most likely we had

15   some individual informal conversations, and

16   I would be confident that this is of a

17   magnitude that Joan and Hugh would have

18   wanted Ken and myself to be involved in it.

19              And, you know, Ken as Deputy

20   County Executive may get involved in

21   certain conversations even before I get

22   involved, and I get involved a half step up

23   the ladder.

24              The question in this response

25   to that e-mail is really what you're

1                    GEORGE LATIMER

2    litigating.  That is really the function of

3    the litigation of it.  What we perceive as

4    our authority given to us in the mid '80's

5    is under question, and I assume at some

6    point in time in a Court of Law, there will

7    be a decision on this case which will then

8    either reinforce, redefine or vacate

9    whatever these perceptions are of

10   authority, and that is a very important

11   matter of public policy, it's matter of

12   law, it's a matter of public policy.

13             I am not a lawyer so I don't

14   purport to be able to describe the legal

15   implications, the legal play out of these

16   things, but it matters a lot to the people

17   of Westchester County whether or not the

18   way we have operated the Airport since the

19   mid '80's is the way we operate the Airport

20   going forward.

21             So, without getting to the

22   bottom line on that, this response from

23   AvPORTS asserts the County's position that

24   we have certain protections that we were

25   granted, because, remember, when the

1                    GEORGE LATIMER

2    lawsuit occurred, we lost certain, not

3    lost, but we asserted, I wasn't part of the

4    situation in the '80's, but we asserted

5    that we had a right to impose a curfew at

6    the Airport.  And the settlement of that

7    lawsuit said, no, you don't have a right to

8    impose a curfew, you have a voluntary

9    curfew, so that was a "loss" of what was a

10   perceived authority at the time.

11              And we had to create a system

12   that allowed airlines to potentially come

13   in and operate out of the commercial area,

14   we couldn't arbitrarily say midway -- I

15   couldn't restate that case in its entirety.

16              So, this really goes to the

17   heart of what is being litigated here, and

18   this response from Scherrer summarizes to

19   JSX what it is the County believes it has

20   the authority to enforce.

21      Q.    Mr. Latimer, with regard to the

22   operational discussions, again, I don't

23   want to ask for attorney/client privilege,

24   but with regard to the operational

25   discussions, when those discussions are

Page 106

1                    GEORGE LATIMER

2       ongoing, is someone taking notes, I mean,

3       is someone writing things down?

4            A.    I don't know.  In an

5       operational discussion between Scherrer and

6       Greechan or between Scherrer and maybe

7       current day, it would be Aviva Meyer, in

8       the prior day, Susan Spear, or Joan or

9       Emily get involved in it, it could easily

10      be verbal, telephone.  It could be sitting

11      around the table at a meeting with no

12      specific notes.  These are not established

13      meetings of a legislative body, these are

14      conversations between individuals who have

15      differing authority.

16                  And then at the point that that

17      conversation involves legal advice, then

18      that may be day one, it could be day ten,

19      it depends on the nature of the

20      conversation what it evolves to.  You know,

21      we then start understand that, you know,

22      whenever we take action that involves the

23      assertion of something that we lean on the

24      law for that there could be an alternate

25      situation to litigation.  It's a different,

Page 107

1                    GEORGE LATIMER
2      you know, it becomes a different level of
3      intensity.
4                    It also is true, it's a
5      different level of intensity, if we have to
6      take action that requires Board of
7      Legislators action, this falls within
8      Executive authority, and it's ultimately my
9      ability to say, do this, don't do that,
10     Executive Order, that's one thing; if in
11     our conversations about something, the
12     decision is that the Board of Legislators
13     has to establish certain types of things by
14     law, then it's a different situation
15     because that then goes out to the public
16     domain, and public hearings, and public
17     discussion.
18                    Those are the decisions that
19     get made, the question you're asking is
20     what's the process in between Peter talking
21     to maybe Hugh in the first iteration of
22     this, then how that goes up the ladder, and
23     what is interpreted to be the way this is
24     going to be established or resolved may
25     involve the law, may involve legislature,

Page 108

1                    GEORGE LATIMER

2    maybe in our ability to assert, and then

3    the public or the legal avenues exist to

4    counter that understanding.

5         Q.     I mean, again, operationally,

6    at the beginning of this, would it have

7    been your practice, not in these words, but

8    to say something to the extent of, give me

9    the lay of the land, tell me what's

10   happening at the Airport so I can

11   understand it?

12        A.     This goes back to the Bradbury

13   memo about Blade.  Something is happening

14   at the Airport that doesn't fit what has

15   traditionally occurred, and we have to look

16   at it to determine what is it that is

17   happening, what is its implications as a

18   matter of public policy, and what does it

19   mean in terms of all the impacts of the

20   Airport, you know.

21             And we review that in light of

22   what is the restrictions that are in place,

23   how do we interpret those things, are we

24   legally on solid ground if we say something

25   or not.  Then, of course, separate and

1                    GEORGE LATIMER

2    distinct from that, what are the public

3    policy side, which are much more

4    subjective.

5              But as I am, am deposing myself

6    in the legal system, I have to, I speak

7    with as much truth and as much specificity

8    as I can.  Completely separate from this

9    room, when I go out there, when I

10   communicate on some public means, when I

11   get interviewed by the press, when I

12   compete, I'm not going to run again, for

13   public office, I am accountable in a

14   completely different way, so I have to

15   consider the accountability of the

16   decisions we make, at the end of the day,

17   they will be my responsibilities, whether I

18   am copied on the letter or not, whether I'm

19   the focus of the review or not, Ken

20   Jenkins -- Chaminski (phonetic), John

21   Nonna, Joan McDonald, all of those people

22   are critical players in some way, shape or

23   form, at the end of the day, it's on my

24   head, what did I do, what didn't I do, is

25   it defensible in the Court of Law, and is

1                    GEORGE LATIMER

2    it defensible in the court of public

3    opinion.  That is the "X" factor that I

4    can't project as I sit here at the table.

5              I'm still the County Executive,

6    however this case is adjudicated, I will

7    still have the responsibility to manage

8    this County for the remaining three years

9    of my term, so, see ya on January 1, 2025.

10   Lord help me if I come in for a deposition

11   on any topic after I have left office, I

12   will even know less then about what my

13   thinking is.

14             But I read this document, and I

15   understand that there is a dialog and a

16   process that works its way up the line, and

17   then we take a position that we believe

18   that we have the right as a government to

19   enforce those rules that were given to us

20   in 1985, and that is ultimately what this

21   document says we're doing.

22             Whether we have that right or

23   not will be determined as an outgrowth of

24   whatever happens in this case, and I will

25   be responsible to the public at large to

                           GEORGE LATIMER

2    explain it as to why whatever happens

3    happens.

4        Q.    You spoke about responsibility

5    and accountability, with regard to

6    accountability and responsibility, with

7    respect to policy and operational issues

8    surrounding the Airport, are there internal

9    memorandum that get drafted to convey

10   information and to memorialize information?

11       A.    Well, I assume in the discovery

12   process of a lawsuit, most things that are

13   written down, certainly when I am asked to

14   provide for a lawsuit under discovery any

15   written documentation that you have, we

16   provide whatever there is.  We already are

17   subject to the Open Meetings Law, and we

18   can be FOIL'd for all kinds of things that

19   represent anything that we ever put in

20   writing.  It's not that we don't put

21   something in writing, but we're not as

22   bureaucratic as somebody on the outside

23   might think that every dialog that we have

24   is written down in a memo, and it's my

25   policy, and given to you -- and give you

1                    GEORGE LATIMER

2    direction, doesn't work to that degree,

3    it's much more conversational.

4                    And, you know, when I served in

5    the State Government, you have two branches

6    of government that are physically

7    separated, we have a wide and a large

8    Executive Branch that ultimately reports up

9    to a Governor, but a Governor is dealing

10   with branches of that government in Montauk

11   and Buffalo.  The County is a little more

12   proximate.

13                   Many, not all, of the decision

14   makers are in this building.  Hugh Greechan

15   is on the floor below us, I could very

16   easily say, Hugh, I need 10 minutes of your

17   time, do you have 10 minutes, and we sit

18   and we have a conversation in my office,

19   and we don't have a memo that follows that,

20   I ask him some questions.

21                   Of course, I've been around,

22   you have my resume, I know a lot of these

23   people, we talk on a personal level.  I

24   might pick up the phone and call Chris

25   Bradbury, it wouldn't necessarily manifest

Page 113

1                    GEORGE LATIMER

2    itself in sending him a memo.

3                But if there is anything that

4    we put in writing, and I assume your

5    discovery requests came in at some point in

6    time, transparent about all the things that

7    I am aware of.  Joe Biden found a box of

8    documents five years later, so all I could

9    say is we did our diligence to try to give

10   you everything in writing that we had, you

11   know.

12               MR. NELSON:  Please mark this

13        Latimer 10.

14               (Whereupon, the aforementioned

15        document was marked as Latimer

16        Exhibit 10 for identification as of

17        this date by the Reporter.)

18        Q.    Mr. Latimer, I'm handing you

19   Latimer 10, it's very similar to Latimer 9

20   that we saw before, except there are

21   differences, obviously, take a quick look

22   at it.

23        A.    I will.  Okay.

24        Q.    Mr. Latimer, the Latimer 10 and

25   Latimer 9 are both dated what date?

1                    GEORGE LATIMER

2        A.      November 5th.

3                MR. NONNA:   '21.

4        Q.      That is what I wanted to say.

5        A.      November 5th, for the record,

6    November 5th.

7        Q.      Latimer 9, obviously, we went

8    through, referenced an e-mail from JSX from

9    October 26th, Latimer 10 doesn't have any

10   such reference, does it?

11       A.      Reference to an October 7th

12   letter, which was not part of what I seen

13   here in our discussions.

14       Q.      With regard to Latimer 10, do

15   you know, do you have, do you know how XO

16   and JetSmarter became the subject of

17   AvPORTS letter as depicted --

18       A.      No, I don't, and as I eluded to

19   before when you showed me something earlier

20   that made the reference to JetSmarter, I am

21   not familiar with the name of the

22   organization nor am I of XO, nor was I of

23   JSX.  I did understand Blade, that was an

24   e-mail that you showed me with which I was

25   asked about Blade.  I don't know how these

Page 115

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 1                  GEORGE LATIMER
 2   entities or corporations interact, I assume
 3   they're separate, but they do somewhat
 4   similar things.
 5              But as I read this, this is the
 6   first time I'm seeing this document, I am
 7   not familiar with the operation of XO or
 8   JetSmarter, but I am reading here what is
 9   informed of me, and I do see the
10   differences between this and that.
11        Q.    I'm going to hand you back
12   Latimer 5 for just a moment, hold onto that
13   for a second, Latimer 5 is an e-mail by
14   Susan Spear back on March 1, 2019.
15        A.    Yes.
16        Q.    Is it fair to say that at least
17   as far as back March 1, 2019, someone in
18   your administration was aware of an entity
19   by the name of JetSmarter?
20        A.    Well, on the face, the
21   differences of the two memos are two and a
22   half years apart, and both reference
23   JetSmarter, but I was not copied on either
24   of these two memos, so I did not know to
25   this day until I saw this memo an hour and
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                         GEORGE LATIMER

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2    a half ago what JetSmarter was.

3         Q.    Looking back at Latimer 10, in

4    the first line, it says, thank you for your

5    October 7th letter on behalf of XO and

6    JetSmarter, Inc.?

7         A.    Yes.

8         Q.    It goes on, but it references

9    JetSmarter, does it not?

10        A.    It does, yes.

11        Q.    On the second page, it copies

12   the same individuals we went through with

13   Latimer 9, right?

14        A.    Yes.

15        Q.    With regard to Latimer 10, was

16   this letter written as a result of

17   authorization from the County?

18        A.    Well, I can't speak to whether

19   other executives authorized it.  I presume

20   that Peter would not have written it unless

21   he had some approval above him.  The fact

22   that Joan and Hugh were copied on this as

23   well as John elude to that.  I am not

24   familiar with XO or JetSmarter as a name,

25   so I am not surprised that I wasn't aware

Page 117

1                    GEORGE LATIMER

2     of this, and, therefore, I personally did

3     not give particular authority because it

4     doesn't have to come from me if our senior

5     management people have discussed this and

6     consulted with legal advice, so.

7          Q.    Would the position in Latimer

8     10 also rise to the level of policy as you

9     had mentioned before about Latimer 9?

10         A.    Well, I think -- as a matter of

11    policy, we were clear what the policy is.

12    This letter and the other letter that you

13    showed me represent us informing various

14    operators or potential operators, this one

15    apparently is operating, the other one, I

16    am not sure was operating yet, that they

17    are in -- they are in conflict with an

18    existing policy.

19              So, these two letters are not

20    creating policy.  If we were going to

21    create policy, then I would expect that to

22    come to my desk with others.

23              But if we're implementing or

24    informing a potential entity of what our

25    policy is, that doesn't have to come to me

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 1                  GEORGE LATIMER
 2   because we have established the policy, and
 3   that is what is reflected as I read this
 4   letter on its face, this is the policy of
 5   Westchester County, and you are in, you
 6   know.
 7             The other difference between 10
 8   and 9 is the other one 9, okay, I guess I
 9   messed up the order of these things, is
10   that it appears that this entity is
11   operating already, and this operator is
12   seeking or intending to start operations,
13   but not yet done so, which makes this a
14   more urgent action because it does say here
15   that it needs to cease and desist what it's
16   doing, and it gives a more specific example
17   of something that more clearly breaks the
18   assertion that this is not a -- this is not
19   a commercial situation.
20        Q.    With regard to the cease and
21   desist aspect of this letter, what is the
22   procedure of your administration to reach
23   the level of issue in the cease and desist?
24        A.    Well, I mean, I think it's a
25   matter of practicality here.  I think I
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1                   GEORGE LATIMER

2    just touched on it.  Of the two letters

3    that you presented to me, as I read them,

4    and I haven't seen either of these two

5    things before this session, this letter to

6    JSX describes what -- that we are

7    explaining to them that they cannot operate

8    as they plan to operate.

9             In the case of XO JetSmarter,

10   they apparently are already operating or

11   plan to, they have, they reference that is

12   going to happen on November 12th, which

13   they are taking reservations for slightly

14   in advance of when they receive this memo.

15            So, this is a different level

16   of action, I use the phrase cease and

17   desist.  But this letter is more pointed

18   because something is about to happen which

19   ought not to happen.  I don't know if these

20   things happened or didn't happen.

21            But the policy isn't being made

22   in this letter, the policy that has been

23   made is being conveyed in these letters to

24   the entities involved.

25        Q.    Let me just focus, and I know

1                    GEORGE LATIMER

2      the letter may not say cease and desist,

3      I'm just going to use that as a general

4      term or phrase, is there a level in your

5      administration that needs to occur in order

6      to issue a cease and desist?

7           A.     If there is a policy as to what

8      represents a commercial use.  We have a

9      policy that says commercial has to fall

10     into this category, regulations that were

11     promulgated, some were promulgated after I

12     left as a County Legislator, they have been

13     in effect for this period of time.

14                 Some of these entities have a

15     way to operate that appears to us to be

16     working around these existing regulations,

17     and they would argue that it is legal for

18     them to do this around these legal

19     regulations.  So, the element of response

20     is to tell them, no, we interpret our

21     authority to prohibit you from doing the

22     things what you want to do.  Cease and

23     desist, our language, not what's in the

24     letters, comes when an entity is already

25     operating, not seeking to come in to

1                    GEORGE LATIMER

2    operate, but is already doing things that

3    appear to be skirting the responsibilities.

4              So, in one, we say, you're not

5    entitled to do this based on the

6    protections we have; and another one, we

7    say, you must stop doing something you're

8    already doing that became apparent to us at

9    the time this became apparent to us.

10             It appears that in the case of

11   XO's JetSmarter, you know, they started

12   marketing this flight well before this

13   November 5th letter, I assume that is the

14   case.  And, so, the element of these

15   flights are in clear violation, you know,

16   in addition it undercuts assertions here.

17   That we take a stronger position if, in

18   fact, you're doing something already, not

19   asking to do something, you're actually

20   doing it, and we believe it's outside of

21   the authority that you have to do it.

22        Q.    I understand the difference

23   that you've outlined, what I am trying to

24   ask is, you have a business background, and

25   in appreciating the business aspect of it,

1                    GEORGE LATIMER

2      you understand that there is a difference

3      between telling a business to stop doing

4      something, which may employ people, and has

5      revenue, and so on and so forth, than

6      perhaps just saying, you can't start doing

7      something, so what I am asking is, with

8      regard to telling a business to stop doing

9      what it's doing, is there a certain level

10     in your administration that that decision

11     needs to get to before it's sent?

12              MR. NONNA:  Objection to the

13          form.

14        A.    I eluded to it upfront when I

15     talked about the impacts to the Airport.  I

16     was very clear to talk about things like

17     noise, pollution, and I also referenced

18     economic development, and I referenced

19     those in the business community that rely

20     on the Airport as a matter of their

21     presence in this County, their economic

22     development, and their growth.

23              I am sure, I have no doubt that

24     you did, if you listened to any of the

25     testimony in the public hearings that we

Page 123

1                      GEORGE LATIMER

2      had in the summer of '18, and what we have

3      done in anticipation of the Master Plan, we

4      heard testimony from any number of people

5      that talked about the jobs at the Airport.

6                      The -- some individuals, the

7      value of having access to service at the

8      Airport, that may have been a smaller

9      number of people who testified, but I know

10     that they represent a significant portion

11     of the population of the County, it's not

12     just three or four people, and I don't

13     waive them as being not relevant to the

14     discussion.

15                     The economic aspect of the

16     Airport is profound.  The number of people

17     that are employed at the Airport is

18     significant.  The presence of major US

19     corporations in Westchester County in some

20     part is advanced by the fact that we have

21     an Airport here, not only by that, we're

22     next to New York City, we have commuter

23     rail lines into the City, yada, yada, yada.

24                     I've often said publicly that

25     the Airport is an important transportation

1                    GEORGE LATIMER

2     asset of this County.  And when I've dealt

3     with the extreme elements who want to close

4     the Airport for whatever reason, I push

5     back on that and I say you don't understand

6     how important this Airport is to us.  So, I

7     do recognize this.

8                    From a business standpoint, the

9     business model of any business is based on

10    their ability to provide a service or

11    product at a profitable level, and because

12    of what I did professionally, I looked at

13    the market potential for, in the industry

14    that I was in, of having a business based

15    here, and was there a market here that

16    could support that business profit.  And it

17    was my fiduciary responsibility to the

18    people that employed me to accurately

19    project that, yes, build it here because,

20    yes, we can make money, and put it here,

21    there's no market that makes money.

22                    So, I understand, without

23    knowing the industry, that this is a

24    lucrative market, Westchester and

25    Fairfield.  I recognize that there is the

1                    GEORGE LATIMER

2    potential for a business, any of these

3    businesses, to operate with a market that

4    will pay for their services at a fairly

5    high level because of the wealth of the

6    residents, and to the extent that they use

7    corporations.  All of that I get.  And I

8    get the value of having the people who live

9    here enjoy a convenient use, as I myself

10   did, from a commercial side, to go to the

11   Airport, get on a plane, and go to Boston.

12   I get all of that, that is not unknown to

13   me.

14            The balancing act when an

15   entity starts a service, as apparently XO,

16   JetSmarter, maybe they all did, I didn't

17   know that they were operating, maybe they

18   were operating, and, you know, it happens,

19   and we don't know.  It's possible for us

20   not to know, it's up to a certain point.

21            They are operating, and I don't

22   put a negative malevolent value to them

23   seeing a business opportunity and trying to

24   use it in a marketplace where they can make

25   a profit.  But if the government has

1                    GEORGE LATIMER

2   certain authority, then we have a right to

3   be able to say to that business, you need

4   to operate within that authority.

5             I elude that -- I make an

6   analogy to that to the restrictions that we

7   have in our Health Department.  You have a

8   restaurant, you can make a lot of money in

9   a restaurant.  We have rules that say you

10  must keep the cleanliness of your kitchen

11  at a certain level.  When a sanitarian goes

12  into that kitchen in the government and

13  surveys the kitchen, if they determine that

14  your conditions are deficient, you can

15  operate if you correct the deficiencies.

16  If you don't want to correct the

17  deficiencies, we have the right and

18  authority to shut you down.  I don't want

19  to shut you down, I want to make sure that

20  someone coming into your restaurant doesn't

21  get E. coli, that's the public policy

22  mission.

23             Not to be negative to a

24  business, but to protect the public

25  interests that comes from that.  And the

Page 127

1                    GEORGE LATIMER

2    same is true at the local government level

3    where you have a building inspector who

4    goes into the building, the mission isn't

5    to shut the building down, the mission is

6    to make sure that there is not a deficient

7    situation that when a fire breaks out and

8    20 people die, what did the government do

9    to anticipate this, well, we didn't do

10   anything, and the person who operated this,

11   we're not talking about things of that

12   level here.

13             But that is to me the balance

14   point between business operating in a

15   capitalistic society to try to make a

16   profit where they see a need and they can

17   fill it profitably, and the nature of a

18   government to enforce certain restrictions

19   that are for the general benefit of the

20   society at large.

21             I did not create the 1985

22   Stipulation.  If I walk in the door as

23   County Executive and that Stipulation does

24   not exist, that is a whole different thing.

25   But I walk in the door with certain

Page 128

1                     GEORGE LATIMER

2    authority given to the County, as I

3    understand it, out of the 1985 Stipulation,

4    and I believe it's my responsibility to

5    adhere to those standards as a means of

6    keeping the Airport at a certain size and

7    scope, which was the wish of my

8    predecessors within the context of this

9    job.

10             As I said a few minutes ago,

11   the adjudication of this case in a Court of

12   Law will determine these things, it's not

13   for me to determine.  But as I sit here at

14   the moment, my understanding is those

15   protections exist, and, so, therefore, we

16   tell an XO and a JetSmarter, you started to

17   operate profitably for your benefit, but

18   you don't have the authority to do that,

19   you need to go into the system that we have

20   because the what you're operating is

21   commercial.

22             To me, it's not evil and good,

23   it's a matter of practicality.  And those

24   restrictions either do apply to you or they

25   don't apply to you.  If they do apply to

1                    GEORGE LATIMER

2    you, this is the response we have.

3              It's a long philosophical

4    thing, but just so you understand where I

5    am coming from, and I know in a deposition

6    I shouldn't go into those long

7    philosophical things, but this is what

8    drives our decision to do the things that

9    we do the way that we do them.

10        Q.    Only because you mentioned

11   Fairfield County a number of times because

12   it's our neighboring Connecticut County,

13   has there been any communication with

14   Fairfield County with regard to the issues

15   of this lawsuit?

16        A.    Yes, Fred Camillo, who is the

17   First Selectmen of Greenwich, and I have

18   talked a number of times, we talked about

19   the Master Plan and process.  We even had

20   one of our public hearings, public forum

21   about getting input for the Master Plan in

22   Greenwich.  You know, I mean, I live in

23   that general area of the County.  And I

24   recognize that the usage of the County

25   Airport is Connecticut as well as New York.

1                    GEORGE LATIMER

2              The FAA does not particularly

3    care that it's in one state alone, they

4    care about the overall operation.  Air

5    routes go over Connecticut as much as they

6    do us.

7              What we don't have in Fairfield

8    County is an equivalent local government,

9    County Government that we can interact with

10   at that level.  So, primarily the Town of

11   Greenwich, to some extent the City of

12   Stamford, and other suburban communities

13   that are not far away that have access to

14   the Airport, but we don't interact with New

15   Canaan and Darien, and all the way up the

16   line.

17             But primarily with Greenwich,

18   we do, and I personally have considered

19   them as relevant a player in these

20   discussions as I do the Town of North

21   Castle and Town of Rye Brook, City of

22   Harrison, and White Plains, and I try to

23   project that as we do things.

24             But as we are a government

25   structure in the Laws of New York, I can't

1                    GEORGE LATIMER

2    structurally include Connecticut legally in

3    some of these structures.  It's more

4    informal, you know, George and Fred, Fred,

5    we're thinking of doing this, do you want

6    input on it, do you want to know more about

7    it, I'll have someone brief you, that kind

8    of thing.

9         Q.    Did you receive any input from

10   anyone in government in Connecticut with

11   regard to this lawsuit?

12        A.    Not to my knowledge.

13        Q.    And did you receive any input

14   from anyone in government in Connecticut

15   with respect to the position that the

16   County is taking with regard to the FBO's?

17             MR. NONNA:  Objection to the

18        form.

19        A.    Not in any direct fashion.  In

20   the general conversations that I have had

21   with, and not just Camillo directly, but

22   State representatives, State Legislative

23   representatives, they have, I believe,

24   subjective, the same balancing act that we

25   have on this side of the border.

Page 132

1                    GEORGE LATIMER

2              They have residents who are

3    affected by the Airport's operations,

4    noise, late night flights, traffic at some

5    level on the Merritt, blah, blah, blah.

6    And they also have residents who use the

7    Airport for convenience sake, and residents

8    of corporate or other entities that use the

9    Airport.  And my observation is that

10   Greenwich specifically is pretty much in

11   the same boat that the municipalities in

12   Westchester adjacent to the Airport are.

13              The further you get from the

14   Airport itself, the less amount of

15   opposition you have.  The usage of the

16   Airport is whatever it is, but the people

17   who live in Ardsley, Hastings, Yonkers,

18   just like the people who live in Westport,

19   don't feel a negative impacts, and see the

20   benefit and positive of.

21              So, I think Connecticut in that

22   regard is very similar to where we are, but

23   we have involved in the level that we can

24   with our neighbors in Greenwich, the

25   dialog.  But they are not part of our

Page 133

                          GEORGE LATIMER

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2    governmental structures, so, they're not

3    part of the AAB, they are not officially

4    being briefed the way a municipality briefs

5    in Westchester.  We try to keep them

6    involved because they are part of the

7    marketplace.  It is my background in

8    business that, you know, you don't look at

9    dotted lines as you do in government.

10   Here's an asset, here's the likely radius

11   of people that will use that asset, and it

12   clearly goes into Connecticut as it does

13   into New York.

14        Q.    I am going to ask several

15   milestones, but prior to, you've seen the

16   legislation which gave the County authority

17   to commence litigation?

18        A.    Yes.

19        Q.    We went over that before?

20        A.    Mm-hmm.

21        Q.    Prior to that legislation, did

22   Westchester County, your administration,

23   confer with or consult with any government

24   people or entities in Connecticut?

25             MR. NONNA:  Objection to the

Page 134

1                        GEORGE LATIMER
2          form.
3          A.     I don't recall if we had a
4    dialog with Connecticut
5    municipal officials, I don't recall,
6    doesn't stand out as if we did.
7          Q.     Did your administration consult
8    with any New York government people or
9    entities, other than your own
10   administration?
11                 MR. NONNA:   Objection to the
12          form.
13         A.     We have had dialog with
14   Westchester municipal officials, which
15   comes more informally because we're in more
16   direct contact with them in the normal
17   function of our lives.  We go to the
18   Westchester municipal officials, I will see
19   the supervisor of the towns and villages.
20   And we have other business to conduct with
21   these entities.  Then we also have, couple
22   of times, down to now once a month, but
23   previously we have had as many as weekly
24   calls with municipal officials in
25   Westchester County on a host of different

Page 135

                                GEORGE LATIMER

1

2    issues.  So, Municall, we call it, it began

3    with the Covid related things, and we would

4    talk about certain issues, and at various

5    times we might talk about Airport issues.

6             We would not necessarily talk

7    about litigation on something like that,

8    but we might talk about we're working on a

9    Master Plan, if you have interest in what

10   is happening, interact with Jane Doe or Jim

11   Smith within our administration or we have

12   upcoming public forums with input on the

13   Master Plan here on this date, if anyone

14   wants to come and submit written testimony.

15             But that kind of dialog would

16   happen with the New York municipalities,

17   not normally have the same structure with

18   Greenwich.

19        Q.    You had mentioned the Master

20   Plan, specifically with regard to the

21   issues involved in this litigation, whether

22   prior to suit or after suit, were those

23   municipalities consulted with?

24        A.    Not structurally, to my

25   knowledge.  We may have had some discussion

1                    GEORGE LATIMER

2   with Rye Brook because they raised the

3   issue of Blade initially, but I don't

4   recall a specific conversation that I may

5   have had with someone, and certainly there

6   could have been some dialog below the level

7   of me.  The County Legislator for the area,

8   Nancy Barr, may have had some dialog with

9   people.  She's not the only person that

10  represents the neighboring areas, Margaret

11  Cunzio represents North Castle and Mount

12  Pleasant, which has representation on the

13  AAB.  There may have been some conversation

14  or consultation there.  It's not unlikely

15  that I might have a conversation with

16  either Nancy or Margaret, saying, are you

17  hearing anything from your locals.  They

18  may say, well, such and such thing.  Well,

19  if you need a briefing, do this, that,

20  something like that.

21            But it wasn't like we're going

22  to launch this lawsuit, they would know as

23  County Legislators, because we have to go

24  through for authority, we would not

25  naturally call them up and say, we're going

Page 137

1                    GEORGE LATIMER

2    to launch this lawsuit and run it past your

3    locals, that is not what we do.

4              We believe we are enforcing

5    regulations that we have the authority to

6    do.  We welcome input, we're not seeking

7    input, we are doing what we think is in our

8    area of authority.

9              MR. NELSON:  Please mark as

10       Latimer 11.

11              (Whereupon, the aforementioned

12       document was marked as Latimer

13       Exhibit 11 for identification as of

14       this date by the Reporter.)

15       Q.    Mr. Latimer, I am handing you

16   Latimer 11, it's a similar letter, I would

17   like you to take a look at it, please.

18       A.    Okay.

19       Q.    So, you'll notice Latimer 11 is

20   dated a few days after Latimer 10 and 9,

21   this one is dated November 9, 2021.

22       A.    Right.

23       Q.    And this one is addressed to

24   Blade Urban Air Mobility, Inc., do you see

25   that?

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1                      GEORGE LATIMER
2          A.     I do.
3          Q.     How did, so, unlike the other
4    letters, this one doesn't reference a prior
5    communication, does it?
6          A.     It does not.
7          Q.     How was it that Blade became
8    the subject of this letter from AvPORTS?
9          A.     I don't know.  I see what it
10   says in front of me, which it has come to
11   our attention, that is a reference.
12         Q.     Do you have any information as
13   to what that refers to?
14         A.     No.
15         Q.     Do you see that particularly in
16   the second to last paragraph, again, not
17   using any particular language, it's telling
18   Blade that it may not operate from an FBO,
19   it may only be operated out of the
20   terminal?
21         A.     Yes, I see that in the letter.
22         Q.     Is it your understanding that
23   that is not the way Blade was operating at
24   the time this letter was written?
25         A.     I don't know how Blade was
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1                  GEORGE LATIMER

2    operating.  What I am looking at is a

3    statement or restatement in a different

4    fashion of the other two letters, which is

5    restating how we interpret, you know,

6    operation which is coming out of an FBO,

7    and that it should be through the

8    commercial side of the terminal.

9         Q.    Unlike the other two Exhibits,

10   one was to JSX and one was to XO and

11   JetSmarter, where it was in response to

12   communication, again, this one is not in

13   response to communication --

14        A.    Right.

15        Q.    -- what underlying

16   investigation was done to lead AvPORTS to

17   the conclusion that this letter was

18   warranted?

19        A.    I don't know, you'd have to ask

20   them to determine how they got their

21   information.

22        Q.    Well, I also, I note the same

23   cc's Joan McDonald, Hugh Greechan --

24        A.    I see it as well, mm-hmm.

25        Q.    -- John Nonna, do you see that

1                    GEORGE LATIMER

2   on this letter as well?

3              Did AvPORTS have the County's

4   authority to write this letter?

5        A.    I don't know.  I presume that

6   since it's consistent with earlier letters

7   that this came out of whatever discussions

8   happened at the time, I was not personally

9   involved in those discussions, I wasn't

10  copied on this.  My presumption is that

11  there was a general discussion that was

12  triggered by these other things, and

13  perhaps they reviewed other operators at

14  the same time and said we have one or more

15  other operators that are operating in the

16  same fashion or they choose to operate.

17  But I don't know that, I wasn't part of the

18  conversation nor have I seen this document

19  before.

20       Q.    Is it your understanding that

21  some sort of investigation must have

22  preceded writing this letter, at least into

23  the operations of Blade?

24              MR. NONNA:  Objection to the

25       form.

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 1                    GEORGE LATIMER
 2        A.     I don't know that to be the
 3   case or not to be the case.
 4        Q.     Would you expect that there
 5   would have been some investigation?
 6                MR. NONNA:  Objection.  Asked
 7           and answered.  And also objection as
 8           to form.
 9        A.     I can't, you know, I can't
10   speculate beyond what I've already said,
11   which is that it does appear that this
12   issue became important through some of the
13   other actions that happened, and it, you
14   know, this letter followed fairly closely
15   after that.
16        Q.     Mr. Latimer, generally
17   speaking, for your administration to
18   authorize what we have been sort of
19   referring to as a cease and desist letter,
20   would you expect that there would be an
21   investigation prior to an authorization of
22   such a letter?
23                MR. NONNA:  Objection to the
24           form of the question.
25        A.     Cease and desist, our language,
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1                    GEORGE LATIMER

2    revolves around somebody who is operating

3    already to do a specific thing.  Some of

4    the players in the game are planning to do

5    something.  So, those that are planning to

6    do something are in a different bucket than

7    those that are already doing something.

8    Cease and desist would apply to already

9    doing something.  Let me reread the letter

10   and see if it relates, but since I didn't

11   see this at the time --

12        Q.    Take your time.

13        A.    -- and I wasn't part of any

14   conversation at that time.  You know, I am

15   reading and guessing off of this, and I am

16   really, you know, not working with specific

17   knowledge, so.  It's really no direct

18   benefit to know.

19              MR. NELSON:  Please mark this

20        as 12.

21              (Whereupon, the aforementioned

22         document was marked as Latimer

23         Exhibit 12 for identification as of

24         this date by the Reporter.)

25        Q.    Mr. Latimer, I am handing you

Page 143

1                   GEORGE LATIMER
2    what's been marked Latimer 12.
3          A.     Okay.
4          Q.     Thanks.  Take your time and
5    look that over, please.
6          A.     Okay.
7          Q.     This appears to be another
8    letter from AvPORTS dated November 9,
9    2021 --
10         A.     Yes.
11         Q.     -- and it's from Peter
12   Scherrer, the Airport manager, right?
13         A.     Right.
14         Q.     Then, again, the same cc's,
15   Joan McDonald, Hugh Greechan, and
16   John Nonna, is that right?
17         A.     Yes, that's correct.
18         Q.     This one is sent to, looks
19   like, Benjamin Sanzone of Signature Flight
20   Support, are you familiar with the
21   individual?
22         A.     The individual, no, but
23   Signature is one of the FBO's at the
24   Airport.
25         Q.     Tell me the extent of your

1                    GEORGE LATIMER

2    familiarity with Signature, please.

3         A.    No great detail, they are one

4    of the FBO's at the Airport, you know,

5    prominent players out there.

6         Q.    Do you know, what, if anything,

7    resulted from this letter?

8         A.    No, I am not familiar with the

9    letter, and I had not seen it before, I was

10   not copied on the letter.  This appears to

11   be from a general restatement of policy, it

12   doesn't have some of the things that were

13   eluded to in the other letters you showed

14   me.  They were talking about being aware of

15   specific activities.  This reads like,

16   we're informing you or reminding you of

17   what our policy is, in general.  Doesn't

18   appear to have a specific reference of

19   something that was happening in Signature.

20             And, you know, the timeframe of

21   this letter was similar to the last couple.

22   I assume this was part of what came out of

23   the general discussions about the

24   operations of or the proposed operations of

25   some of these corporations.  And, you know,

1                    GEORGE LATIMER

2    the Airport manager is informing this

3    particular FBO, and maybe others, that

4    here's the way we interpret the TUA.

5         Q.     In this case, this letter,

6    unlike the other ones, there is no similar,

7    what we're calling cease and desist

8    language?

9         A.     No, and there's no assertion

10   that Signature has either, wouldn't conduct

11   it themselves, but they've allowed for

12   certain operations to happen, that is not

13   apparent from the letter alone.

14        Q.     Let's go to the next one.

15             Mr. Latimer, what circumstance

16   would the County authorize that type of

17   informational letter rather than, you know,

18   what we have been calling a cease and

19   desist letter?

20             MR. NONNA:  Objection to the

21       form.

22        A.     Well, I can only theorize since

23   I wasn't part of the letter itself being

24   sent out.  I make the same general

25   assumption that anyone would make if you

Page 146

                                GEORGE LATIMER

1    look at the combination of the documents

2    that you've given me, which is we responded

3    in at least one or two cases to some very

4    specific operational situations that were

5    coming out of FBO's in general.  They don't

6    specify which FBO's.  And now you're

7    showing me a letter in which we write to a

8    specific FBO, and without making a specific

9    reference to the way they operate, that

10   this is the policy of the County

11   Government, and the way we operate the

12   Airport.

13              So, my presumption is at this

14   point in time, it may well be that we were

15   informing all the FBO's what our policies

16   are.  I don't know that unless you show me

17   other documents that represent us or

18   whoever else.

19        Q.    Well, let me ask you a few

20   questions about that document.

21        A.    Sure.

22              MR. NONNA:  Still on Signature

23         Flight Support?

24              MR. NELSON:  Yes.

Page 147

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 1                    GEORGE LATIMER
 2        A.      Sure, okay.
 3        Q.      In the second paragraph and
 4   elsewhere, there is some, what seems to be
 5   interpretation in quotation and/or
 6   quotation of law, do you see that?
 7        A.      Mm-hmm, I do.
 8        Q.      Do you know if that was done in
 9   consultation with the County Attorney's
10   office?
11        A.      I have no way to know one way
12   or the other, I assume it was.
13        Q.      And the County Attorney's
14   office doesn't represent AvPORTS, does it?
15        A.      It represents all elements of
16   the County Government, so if AvPORTS went
17   to DPWT and said, we need to send a letter
18   out, DPWT would say, let's make sure that
19   the County Attorney's office gets it, and
20   looks at the form or structure of it.
21        Q.      Right, but am I correct by
22   saying that under statute County Attorney
23   doesn't represent any entity other than the
24   County and its component parts?
25                MR. NONNA:  Objection to the
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Page 148

1                    GEORGE LATIMER

2        form.

3        A.    AvPORTS is contracted by the

4   County to do a particular function.  They

5   report directly to the Department of Public

6   Works and Transportation.  They may make a

7   request of the Department of Public Works

8   and Transportation, which they would then

9   be entitled to go to the County Attorney

10  and say we would like your consultation

11  before we communicate.

12              So, it is certainty possible,

13  without me knowing one way or the other,

14  that the quotation marks were used in a

15  document that had legal input before they

16  made this.

17              MR. NELSON:  Please mark this

18       13.

19              (Whereupon, the aforementioned

20       document was marked as Latimer

21       Exhibit 13 for identification as of

22       this date by the Reporter.)

23       Q.    I am going to show you Latimer

24  13, and, again, it's very similar.

25       A.    As I expected, Ross.

Page 149

1              GEORGE LATIMER

2         Q.     Ross Aviation you are saying?

3         A.     Yes.

4         Q.     Why is it that you expected

5    that?

6         A.     Well, I eluded to the fact that

7    Signature was one of a number of FBO's, and

8    Ross is also an FBO, I said at the time

9    there might be a similar letter to other

10   FBO's.  Looking now, they appear to be

11   similar.

12        Q.     When did you first learn of

13   Ross, how long ago, do you think?

14        A.     At some point in time, probably

15   during my County Legislative term, when I

16   understood who the FBO's were out there, I

17   assume Ross was there at that time, I am

18   not sure if they were or not, but certainly

19   during my tenure of County Executive, I am

20   aware that Ross is one of the FBO's out

21   there.

22        Q.     Do you know how it came to be

23   that Ross became the subject of this

24   particular letter?

25        A.     No.  Particularly, no.

Page 150

1                    GEORGE LATIMER

2              It appears to me that Latimer

3    13 and Latimer 12 look exactly alike.  If

4    there is a difference, I haven't spotted

5    it.

6         Q.    So let's go to the next one.

7              MR. NELSON:  Please mark this

8          as 14.

9              (Whereupon, the aforementioned

10         document was marked as Latimer

11         Exhibit 14 for identification as of

12         this date by the Reporter.)

13        Q.    Mr. Latimer, I am handing you

14   14, and this one is a very similar letter

15   to the last two, also dated November 9,

16   2021, to an entity by the name White Plains

17   Aviation Partners LLC, are you familiar

18   with that entity?

19        A.    I am familiar in the reference

20   of this as Million Air, which it is

21   referred to as elsewhere in the document.

22        Q.    How are you familiar with,

23   we'll call it Million Air, generally?

24        A.    They too are an FBO at the

25   Airport.

Page 151

1                    GEORGE LATIMER

2        Q.     Is this the same type of

3    informational letter that we have been

4    going through the last two, just take a

5    look at it?

6        A.     Yes, appears to be, dated the

7    same date as the other two.

8        Q.     Are you familiar with any

9    results from this letter?

10             MR. NONNA:  Objection to the

11        form.

12        A.     From the response to this

13    letter?

14        Q.     Yes, to Million Air?

15        A.     No, not from this letter, no.

16        Q.     There is a litigation ongoing

17    between Million Air and the County, is that

18    true?

19        A.     There is.

20        Q.     It's separate and apart from

21    this instant litigation?

22        A.     Yes.

23        Q.     Are you aware that part of

24    Million Air's structure was renovated for

25    the benefit of Blade?

Page 152

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 1               GEORGE LATIMER
 2          MR. NONNA:  Objection to the
 3      form.
 4      A.    I have become aware that that
 5  was the case, I don't know that I knew that
 6  earlier in my tenure.
 7      Q.    When did you become aware of
 8  that?
 9      A.    At some point in time, you
10  know, within the context of this discussion
11  about Blade.  When we saw a letter from
12  Chris Bradbury about Blade, that was most
13  likely the first time I heard of Blade as
14  an entity, and, you know, what followed
15  from there referenced that it was the tie
16  in to Million Air.
17          MR. NELSON:  Off the record.
18          (Whereupon, an off-the-record
19      discussion was held.)
20          MR. NONNA:  You've just advised
21      me, you said, I have another two
22      hours of deposition.
23          MR. NELSON:  Generously
24      speaking.
25          MR. NONNA:  I don't know what
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1                    GEORGE LATIMER

2         that means.

3              MR. NELSON:  Means I don't want

4         to say I have another 15 minutes and

5         go, you know, an hour, I want to

6         just --

7              MR. NONNA:  You said two hours,

8         based upon that statement, I am

9         telling you that we're not agreeing

10        to continue this deposition at this

11        time, we're reserving our right to

12        seek a Protective Order, you've had

13        enough time to question the County

14        Executive about any topic related to

15        this lawsuit, and that is sufficient

16        given the fact he's the County

17        Executive and has made himself

18        available for three and a half hours.

19        We're reserving our rights.

20             MR. NELSON:  Let's continue

21        then.

22             Please mark 15.

23             (Whereupon, the aforementioned

24        document was marked as Latimer

25        Exhibit 15 for identification as of

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 1                GEORGE LATIMER
 2        this date by the Reporter.)
 3        Q.    Mr. Latimer, I am handing you
 4   Latimer 15.  I would like you to take a
 5   look at that and tell me what that is.
 6        A.    It's a relevant excerpt of
 7   County local laws that relate to the
 8   Airport Terminal Use Procedures.
 9        Q.    Hold onto that for a moment, I
10   am going to hand you back Latimer 4 at the
11   same time, and I've separated a page, in
12   Latimer 4, you see that I've separated the
13   page that begins with what you testified to
14   earlier, the enacted law part of Latimer 4?
15        A.    3585.
16        Q.    If you would just look at the
17   definition, for example, of airline in that
18   and compare it to the definition to the
19   airline in Latimer 15, they are different,
20   are they not?
21        A.    I have to read it first.
22        Q.    Yes, please.
23        A.    They -- they are different, I
24   see a difference, I haven't read for
25   content, but.
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Page 155

1                    GEORGE LATIMER

2        Q.     One of the differences that

3   you've seen is that in Latimer 15, it adds

4   the additional designation of an airline

5   shall be providing passenger services and

6   aircraft design for more than nine

7   passenger seats, that language is not in

8   Latimer 4?

9        A.     That is correct, as I look at

10  the top of the page, this local law was

11  amended in 2005, and then again in 2010, so

12  when I signed on to in 2004 was twice

13  amended, I don't know if that was part of

14  what was amended, I'd have to look at what

15  was done in '05 and what was done in '10 to

16  see what the reference was, but this was

17  amended subsequently twice.

18       Q.     Would you agree that that

19  additional language, that additional

20  language of defining an airline as an

21  aircraft design more than nine passenger

22  seat appears in Latimer 15, but does not

23  appear in Latimer 4?

24       A.     That is correct.

25       Q.     And you've explained that the

Page 156

1                    GEORGE LATIMER
2    potentiality that it may have been amended
3    pursuant to the language on top of Latimer
4    15?
5          A.     That's right.
6          Q.     As County Executive, would you
7    have submitted that additional language to
8    the FAA for them to consider it prior to
9    enacting or asking the legislature to enact
10   an amendment?
11              MR. NONNA:   Objection to the
12         form of the question.
13         A.     It appears to me that the
14   language in 2004, which I voted on, was
15   more restrictive because it did not -- it
16   did not provide any limitation, and the
17   language that I am looking at here, both in
18   2005 and 2010, I was not in the
19   legislature, so whatever modifications came
20   in '05 and '10, I was not part of that
21   discussion.  This appears to make the law
22   less restrictive because you're creating
23   the ability for an aircraft at nine or
24   under not to be affected by what this
25   affected because this did not make that

Page 157

1                    GEORGE LATIMER

2    limitation.  And I've just read the first

3    couple of sentences, I did not read the

4    whole thing.

5                    But, as I said earlier, when I

6    used that imaginary example of a curfew, if

7    you're making something less restrictive as

8    the language of this, it says in the

9    Committee Report, says, we could not make

10   it more restrictive or we could lose all of

11   the different protections of it.  If you

12   make it less restrictive, which is what

13   this does compares to this, I don't think

14   that has to go to the FAA because the FAA

15   and the airlines would prefer a less

16   restrictive scenario.  How less restrictive

17   up to nine passenger seats is, it is still

18   less restrictive than what I voted on in

19   '04.

20        Q.    Mr. Latimer, I want you to go

21   down to F now on Exhibit 4, definition of

22   passenger, review that.

23        A.    Okay.

24        Q.    I would like you to compare

25   that to the definition of passenger in

Page 158

1                    GEORGE LATIMER

2    Exhibit 15.

3         A.    Yes.

4         Q.    On Exhibit 15, do you see

5    passenger service?

6         A.    J.

7         Q.    J?

8         A.    Yes.

9         Q.    That is a definition of what

10   passenger service means; correct?

11        A.    Yeah.

12        Q.    Does that exist on Exhibit 4?

13        A.    It does not appear to exist on

14   4.

15        Q.    It would be an additional

16   definition on Exhibit J?

17        A.    Let me read it and see.

18        Q.    Sure, yes.

19        A.    Okay.

20        Q.    Would it be your position that

21   that would not need FAA approval prior to

22   inclusion?

23              MR. NONNA:  Objection to the

24        form.

25        A.    I don't know, to be honest with

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 1                    GEORGE LATIMER
 2    you.  I would have to read that.  First of
 3    all, I would have to understand, which I
 4    have not, what the intent behind that was
 5    and try to just on my own and talking with
 6    other people determine if this is a subset,
 7    if we pulled this out as a subset of
 8    something here, and then to answer the
 9    question, is it more or less restrictive.
10    I can't judge that just by reading it at
11    this point.  But that would be the question
12    in my mind is is pulling this out making
13    something more restrictive or less
14    restrictive, that is what I would try to
15    interpret.
16         Q.    And if it were more
17    restrictive, your understanding would be
18    that the County would need to seek
19    permission from the FFA, and if it were
20    less restrictive, it would not?
21              MR. NONNA:  Objection to the
22         form.
23         A.    If it's less restrictive, then
24    we would not; if it seemed more
25    restrictive, then I think the first thing
```

Page 160

1                    GEORGE LATIMER

2    we would do is have dialog with the FAA,

3    have somebody get on the phone and say

4    we're looking at additional language, how

5    do you react to it.  The formal submission

6    would be if the feedback we got is what we

7    really like to analyze in great detail or,

8    no, that seems to be okay.  I mean, I am

9    generalizing.  But you would consult

10   informally before you made a formal request

11   to approve.  But I have no idea of what

12   dialog happened, I am in the State

13   Assembly.  If this happened in '05 or '10,

14   I am in the State Assembly.  I have no idea

15   of the dialog, it wasn't part of the

16   government, and didn't focus on this issue

17   at all.

18        Q.    You'll notice, Mr. Latimer,

19   that in both of the provisions in the

20   applicability section, they both mention

21   the term passenger service, one, in 15, as

22   a defined term, and 4 as an undefined term?

23        A.    Okay, yes, both referenced,

24   yes.

25        Q.    Would you agree that passenger

Page 161

1                    GEORGE LATIMER

2    service as an undefined term would have a

3    much broader reach than passenger service

4    as a defined term?

5               MR. NONNA:   Objection to the

6          form.

7          A.     Well, what I don't know is

8    whether or not in the dialog that happened,

9    the FAA might have required it, the County,

10   to define passenger service because it was

11   undefined in the former situation, that

12   might have come up in the dialog with the

13   FAA.   I don't know that that is the case.

14   I don't know that that is not the case.   I

15   would have to be privy to the dialog back

16   and forth to make a determination if the

17   FAA had any involvement in seeing this

18   document beforehand.   And either informally

19   or even formally, because there is no

20   document in front of me that says the FAA

21   said we've never seen this document before,

22   maybe the amendments were done with FAA

23   approval.   I don't know that.   And I don't

24   know if it's a formal or informal approval.

25               So, I'd have to say that I

Page 162

1                    GEORGE LATIMER

2      don't know until I know more specific

3      details.  It could be and it might not be.

4      It depends on whether or not the definition

5      of passenger service in this document is

6      seen as more restrictive.  It may not be,

7      it may be this codifies exactly what they

8      meant in this document.  It never came up,

9      I can tell you in my voting on this

10     document, I never heard a discussion of

11     passenger service at all, it was not a

12     matter of discussion.  We talked about the

13     other stuff, the specific restrictions.

14          Q.     When you say you spoke about

15     the specific restrictions, can you tell me

16     what you mean by what you discussed?

17          A.     Well, I mean, in committee, we

18     went over, let's go passed the definition,

19     the very meaning of the details that this

20     identified, you know, the lottery

21     structure, this identified the host of

22     specifics, I mean, I have to go back and

23     look at these things, you know, but all of

24     the elements of the restrictions, the

25     number of gates, the number of passengers

1                    GEORGE LATIMER

2     per half-hour, that's all identified in

3     this document that we passed in '14, that

4     was the meat of our discussions.  And, as I

5     recall, again, over 18 years of distant

6     time that we had representatives in the

7     administration, and our concern was is this

8     document consistent with what was done in

9     the '85 lawsuit, were we staying consistent

10    with what the Court said then.  It was

11    presented as a codification in County Law

12    of that which was granted to us in the '85

13    description, and that was the focus of it,

14    not necessarily the definitions as you've

15    asked.

16               But this is, you know, as I am

17    looking at this document, you know, I have

18    never sat down during my tenure as County

19    Executive to draw this differentiation.

20    These things were amended at the time they

21    were amended.  One of the things you look

22    for is were these things done unanimously,

23    and if they were done unanimously with both

24    parties in agreement, in which there was

25    not a lot of debate or discussion about it,

Page 164

1              GEORGE LATIMER

2    then you assume that it was a general

3    consensus of government to do these things,

4    but I would have to look to see that.

5         Q.    Let's take another example in

6    the applicability section in the last

7    paragraph, let's first look at Latimer 4,

8    where it says, this section does not apply

9    to any activity by Airport users not

10   providing passenger services or not using

11   the terminal building or terminal ramp,

12   right, do you see where it says that?

13        A.    What page?

14        Q.    859.

15        A.    I am sorry, repeat again?

16        Q.    Sure.

17              The last sentence of

18   applicability, this section does not

19   apply --

20        A.    859, last section.

21        Q.    This section does not apply to

22   any activities by Airport users not

23   providing passenger service or not using

24   the terminal building or terminal ramp, do

25   you see where it says that?

Page 165

```
 1                    GEORGE LATIMER
 2        A.     I do.
 3        Q.     It doesn't apply, the whole
 4   section, will not apply to Airport users
 5   that either don't provide passenger service
 6   or do not use the terminal building or
 7   terminal ramp, do you see that?
 8        A.     Yes, I do.
 9        Q.     If you go now to 15, the same
10   applicability section with the same
11   sentence at the end, it says, this section
12   does not apply to any activities by Airport
13   users not providing passenger service, do
14   you see that?
15        A.     Yes.
16        Q.     So, it got rid of the exception
17   of or not using the terminal building or
18   terminal ramp, that is omitted in Latimer
19   15, do you see that?
20        A.     Right, I do.
21        Q.     The omission of a whole group
22   of people that it would not apply to, would
23   you say that would be less restrictive or
24   more restrictive?
25                MR. NONNA:  Objection to the
```

Page 166

1                    GEORGE LATIMER

2        form.

3        A.    It seems to be a more universal

4   coverage of the rules of the Airport to a

5   larger group of people, a larger group of

6   entities, the next sentence after that, all

7   passenger service provided at the Airport

8   shall be provided at the terminal.  Now,

9   that makes me want to have a definition of

10  passenger service now because it says not

11  that -- I would have to read that in some

12  greater detail.

13                 Because this one says,

14  passenger service or not using the terminal

15  building or terminal, blah, blah, blah;

16  this says, all passenger service shall be

17  provided at the terminal.  So, it basically

18  codifies that passenger service is at the

19  terminal.

20                 Here it says, if you're not at

21  the terminal, this doesn't apply to you,

22  and there may be passenger service that is

23  not at the terminal, so this should apply

24  to you because of the definition of

25  passenger service.  But, again, I'm

1                  GEORGE LATIMER

2      theorizing about things I was not part of,

3      so.

4                  It's an interesting discussion

5      of how we got here.  I walk in the door as

6      County Executive, this is the law of

7      Westchester County.  I walk in the door

8      2018, this was last amended in 2010.  I was

9      not aware of any challenges to this law, so

10     I operate with this being legal and

11     appropriate and what we apply.

12                 So, whether or not this was

13     properly enacted is, again, probably the

14     nature of the lawsuit.

15          Q.    With regard to amendment, I

16     don't, respectfully, I don't think we have

17     the amendment.

18          A.    Hang on one second.

19                 (Whereupon, an off-the-record

20          discussion was held.)

21          Q.    How do amendments operate?

22          A.    Well, amendments from the

23     standpoint of the government of Westchester

24     County, I can't speak to what was passed

25     through FAA.

Page 168

1                    GEORGE LATIMER

2        Q.      No, no, I am speaking of

3    amendments to the local law, Westchester

4    County Law?

5        A.      Okay, it's presented with

6    language that, you know, ultimately is

7    presented generally for something like

8    this, generally the administration will

9    submit an amendment to an existing law in

10   proper form to the County Attorney, the

11   committee and legislature as a whole

12   discusses it, they bring in the relevant

13   people to ask them questions, and then if

14   we're convinced this is the right thing to

15   do, we would then vote for the amendments

16   to the law.

17              Since I wasn't part of this, I

18   don't know what discussions took place when

19   this was debated in '05 and then again in

20   '10, I don't know what was done in '05 and

21   '10.

22              Some of the things you're

23   talking about could have been in the '05

24   amendment, and could have been the '10

25   amendment.  Break the law down and see what

1                    GEORGE LATIMER

2    it looked like in the end of '05 and then

3    '10 to see what changed.

4               There was some different

5    configuration of legislators, certainly by

6    '10, there was a decent change of

7    legislators from when I served at the end

8    of '04.  But the legislature would debate,

9    discuss, and then agree to adopt perhaps

10   with some changes that which was submitted

11   to the Board to change the policy.

12              What I don't know is whether or

13   not what happened in '05 or '10 was run

14   passed by the FAA.  You've asked a general

15   question, should we have gone back to the

16   FAA to get further approval, I don't know

17   whether that happened formally or

18   informally, that might have happened

19   informally.  The definition of passenger

20   service might have been informal

21   discussion.  Someone of the FAA at that

22   date might have said, that's not too much

23   of a problem, go ahead, I don't know.  And

24   if there are documents that define that,

25   then that would be important to know.

Page 170

1                      GEORGE LATIMER

2              But at this point, given the

3    documents I have in front of me, it appears

4    that the amendments were made and have not

5    been challenged up to this point.  So, from

6    George Latimer, the County Executive's

7    standpoint, this is the law as I have it in

8    front of me, and the law we work off of.

9              If the FAA has not reviewed or

10   approved this all these years later, 18

11   years since what I voted for as a

12   legislator to where we are today, I would

13   be surprised if the FAA isn't familiar with

14   what we have done.  They apparently raised

15   no objections to it.  You know, I have to

16   leave it as speculative on my part, because

17   I only remember what we discussed when I

18   was a legislator and left.  And I come

19   back, and here's the law as it has been

20   amended.

21       Q.    Can I ask you one more question

22   quickly, this is just location of

23   documents?

24       A.    Sure.

25       Q.    You've said you don't know

1                    GEORGE LATIMER

2    because it's not in front of you, how would

3    we find out about these amendments?

4         A.     Well, this is what I do as a

5    legislator in the State Legislature, this

6    document, as of this date was amended, this

7    is the amended version as of 2010, no

8    further amendments.  You have a document

9    that gives you the bill as it was passed in

10   2011, you would need to go back and

11   reference the 2005 legislation, to see what

12   that, same material as you have here, what

13   it looked like at the end of 2005, compare

14   that, not just the 2004 because that will

15   tell you what things were changed, but

16   compare 2005 to what it is today, and then

17   the delta between those would be defined in

18   theory by the 2010 amendments that came,

19   you'd have that document down and say,

20   okay, this is what we did in '04, this is

21   how it changed in '05, this is how it

22   changed in '10 to do what it is today.

23              If I thought that there was

24   important policy implications in each of

25   those changes, and the thinking of the

Page 172

1                     GEORGE LATIMER

2    legislature, I need to see all those

3    things, and, of course, you ask the

4    decision makers, and I'd call former

5    Chairman of the Board or whoever and say,

6    hey, what were you thinking when you did

7    this, why did you do this, and I might ask

8    them if they had FAA approval, but I also

9    might ask them, when you made these

10   amendments, what was the purpose of it, why

11   did you define passenger service in this

12   way, there may be a reason for it that

13   makes logical sense, I just don't know

14   that.

15             I certainly want to be a

16   cooperative depose, but I really need to go

17   upstairs and greet the Congressman.  I will

18   let my Counsel determine what happens next.

19   You will advise me accordingly, and,

20   Jonathan, I will be as cooperative.

21             MR. NELSON:  Off the record.

22             (Whereupon, an off-the-record

23        discussion was held.)

24             MR. NONNA:  I am reserving our

25        rights, we're willing to consider

**Page 173**

1              GEORGE LATIMER

2      having a discussion with you about

3      limiting another session of George

4      Latimer's deposition.  Willing to

5      have that discussion with you.

6          MR. NELSON:  Understood, good.

7          (Whereupon, at 1:15 P.M., the

8      Examination of this witness was

9      concluded.)

10

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**Page 174**

1                    GEORGE LATIMER

2                D E C L A R A T I O N

3

4        I hereby certify that having been

5    first duly sworn to testify to the truth, I

6    gave the above testimony.

7

8        I FURTHER CERTIFY that the foregoing

9    transcript is a true and correct transcript

10   of the testimony given by me at the time

11   and place specified hereinbefore.

12

13

14

                 _____
15                    GEORGE LATIMER

16

17

18   Subscribed and sworn to before me

19   this _____ day of _____ 20____.

20

21

     _____
22        NOTARY PUBLIC

23

24

25

Page 175

1                    GEORGE LATIMER

2                   E X H I B I T S

3

4    LATIMER EXHIBITS

5

6    EXHIBIT      EXHIBIT                    PAGE

7    NUMBER       DESCRIPTION

8    Exhibit 1  Committee Report           33

9    Exhibit 2  Multi-page document        45

10   Exhibit 3  Document                   59

11   Exhibit 4  Document                   63

12   Exhibit 5  E-mail (Susan Spear)       70

13   Exhibit 6  E-mail                     73

14   Exhibit 7  Chris Bradbury letter      78

15   Exhibit 8  Document                   86

16   Exhibit 9  Peter Scherrer letter      97

17   Exhibit 10 Document                   113

18   Exhibit 11 Letter                     137

19   Exhibit 12 11/9/21 letter             142

20   Exhibit 13 Ross letter                148

21   Exhibit 14 White Plains Aviation

22              Partners LLC letter        150

23   Exhibit 15      Document                   153

24       (Exhibits retained by Counsel.)

25

Page 176

1                    GEORGE LATIMER

2                    I N D E X

3

4   EXAMINATION BY                              PAGE

5   MR. NELSON                                  4

6

7

8     INFORMATION AND/OR DOCUMENTS REQUESTED

9   INFORMATION AND/OR DOCUMENTS          PAGE

10  (None)

11

12

13      QUESTIONS MARKED FOR RULINGS

14  PAGE LINE QUESTION

15  (None)

16

17

18

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25

1                    GEORGE LATIMER

2              C E R T I F I C A T E

3

4    STATE OF NEW YORK        )

                             :   SS.:

5    COUNTY OF WESTCHESTER   )

6

7          I, LISA MORAN, a Notary Public for

8    and within the State of New York, do hereby

9    certify:

10         That the witness whose examination is

11   hereinbefore set forth was duly sworn and

12   that such examination is a true record of

13   the testimony given by that witness.

14         I further certify that I am not

15   related to any of the parties to this

16   action by blood or by marriage and that I

17   am in no way interested in the outcome of

18   this matter.

19         IN WITNESS WHEREOF, I have hereunto

20   set my hand this 25th day of January 2023.

21

22

23

24         LISA MORAN

25

**Page 178**

**ERRATA SHEET**
**VERITEXT/NEW YORK REPORTING, LLC**

CASE NAME: Delux Public Charter, et al. v. County of Westchester, NY
DATE OF DEPOSITION: 1/13/2023
WITNESSES' NAME: George Latimer

PAGE   LINE (S)         CHANGE                    REASON
____|_____|_____|_____

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_____
George Latimer

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20__.

_____        _____
(NOTARY PUBLIC)               MY COMMISSION EXPIRES:

**[& - 26th]**                                                    Page 1

| & | | | |
|---|---|---|---|

**&**   2:4 3:17

**0**

**01930**   1:7
**04**   53:17 61:19
  157:19 169:8
  171:20
**05**   155:15
  156:20 160:13
  168:19,20,23
  169:2,13
  171:21

**1**

**1**   3:17 5:24
  33:20,23 34:2
  58:2,4 62:14
  71:20 74:21
  77:16 110:9
  115:14,17
  175:8
**1/13/2023**
  178:3
**10**   99:24
  112:16,17
  113:13,16,19
  113:24 114:9
  114:14 116:3
  116:15 117:8
  118:7 137:20
  155:15 156:20
  160:13 168:20
  168:21,24
  169:3,6,13
  171:22 175:17

**10580**   2:5 4:13
**10601**   1:21
  2:11
**10:49**   76:6
**11**   7:13 137:10
  137:13,16,19
  175:18
**11/9/21**   175:19
**110.2**   94:11
**113**   175:17
**11:00**   57:21
**12**   57:18,19
  142:20,23
  143:2 150:3
  175:19
**12:23**   93:16
**12th**   119:12
**13**   1:11 148:18
  148:21,24
  150:3 175:20
**135**   75:13
**137**   175:18
**14**   94:8 150:8
  150:11,14
  163:3 175:21
**142**   175:19
**148**   1:20 2:11
  175:20
**15**   153:4,22,25
  154:4,19 155:3
  155:22 156:4
  158:2,4 160:21
  165:9,19
  175:23

**150**   175:22
**153**   175:23
**17**   69:7
**18**   11:3 56:10
  123:2 163:5
  170:10
**1980's**   8:25
  46:21
**1985**   110:20
  127:21 128:3
**1988**   6:20
**1990**   62:14
  66:5
**1991**   6:20
  41:21
**1992**   6:18 9:20
  42:10,23,24
**1998**   7:14
**1:15**   173:7

**2**

**2**   44:25 45:4,7
  63:9 175:9
**20**   7:2 22:17
  127:8 174:19
  178:22
**2003**   48:10
**2004**   6:18 9:20
  9:23 42:10
  45:19 48:3,9
  48:10 49:21
  56:11 63:7
  155:12 156:14
  171:14
**2005**   6:16
  155:11 156:18

  171:11,13,16
**2010**   155:11
  156:18 167:8
  171:7,18
**2011**   171:10
**2012**   6:16
**2013**   6:13,14
**2015/2016**
  21:17
**2017**   6:14
  13:13 21:22
**2018**   5:24 14:3
  20:10,12,13,24
  24:3 167:8
**2019**   70:3
  71:20 74:21
  77:16,17,18
  115:14,17
**2020**   26:13
**2021**   38:4
  40:10 78:15
  79:5 93:16
  97:15 137:21
  143:9 150:16
**2022**   37:8,17,21
**2023**   1:11
  177:20
**2025**   110:9
**21**   37:22,23
  114:3
**24394**   177:23
**25th**   177:20
**26**   78:15 93:16
**26th**   78:14
  97:20 114:9

**[28 - activities]**

| | | | |
|---|---|---|---|
| **28** 77:17 | 50:14 54:23 | **86** 175:15 | **accept** 27:10 |
| **29** 77:18 | 55:2,5 | **9** | **access** 11:21 |
| **2:15** 78:15 | **59** 175:10 | **9** 63:7 76:5 | 23:20 62:13 |
| **3** | **5906** 62:2 | 97:4,7,10,13 | 76:2 123:7 |
| **3** 59:17,20,23 | **5th** 114:2,5,6 | 113:19,25 | 130:13 |
| 69:19 175:10 | 121:13 | 114:7 116:13 | **accommodate** |
| **30** 3:16 | **6** | 117:9 118:8,8 | 26:6,21 27:5 |
| **31** 37:8,20 | **6** 73:20,23 74:2 | 137:20,21 | 28:4 |
| **33** 175:8 | 175:13 | 143:8 150:15 | **accountability** |
| **3581** 65:19 | **63** 175:11 | 175:16 | 109:15 111:5,6 |
| **3583** 67:13,16 | **7** | **9/11** 31:21,24 | **accountable** |
| 67:20 | **7** 78:3,6,9 | 32:4 | 109:13 |
| **3584** 68:5 | 175:14 | **97** 175:16 | **accurate** 61:14 |
| **3585** 68:19 | **70** 175:12 | **9:30** 1:12 | 61:16,18 66:10 |
| 69:2 154:15 | **712.462** 35:4 | **9th** 69:15 70:8 | **accurately** |
| **380** 94:8,12 | **73** 175:13 | 71:8 81:3 | 124:18 |
| **4** | **737** 26:23 | **a** | **acknowledging** |
| **4** 63:19,22,25 | **747** 26:22 | **a.m.** 1:12 58:2 | 66:12 |
| 154:10,12,14 | **78** 175:14 | 58:4 71:21 | **act** 20:9 34:9 |
| 155:8,23 | **7:22** 1:7 | 74:22 76:6 | 53:24 125:14 |
| 157:21 158:12 | **7:59** 74:22 | 93:16 | 131:24 |
| 158:14 160:22 | **7th** 114:11 | **aab** 76:7,20 | **action** 10:6 |
| 164:7 175:11 | 116:5 | 133:3 136:13 | 34:10 37:16 |
| 176:5 | **8** | **abbreviate** | 39:18 48:19 |
| **45** 85:3 175:9 | **8** 62:3 86:20,23 | 18:20 | 49:19 51:8,20 |
| **47** 4:12 | 93:13 97:21 | **ability** 9:16 | 68:3,11 86:6 |
| **5** | 175:15 | 55:11 107:9 | 106:22 107:6,7 |
| **5** 70:20,23 71:2 | **80's** 104:4,19 | 108:2 124:10 | 118:14 119:16 |
| 97:15 115:12 | 105:4 | 156:23 | 177:16 |
| 115:13 175:12 | **85** 163:9,12 | **able** 8:21 9:6 | **actions** 8:15 |
| **555** 2:5 | **855** 65:18 | 26:20 60:6 | 10:8,10 141:13 |
| **5768** 47:6 | **856** 65:6 | 104:14 126:3 | **active** 84:10 |
| **5839** 48:21,24 | **859** 164:14,20 | **above** 62:11 | **activities** 92:16 |
| 49:2,22 50:10 | | 116:21 174:6 | 144:15 164:22 |
| | | | 165:12 |

**activity** 80:10
  164:9
**actual** 50:15
  55:21 68:24
**actually** 22:7
  23:12 40:14
  47:6 58:11
  65:6 69:3,6
  96:24 101:2
  121:19
**add** 17:4 18:25
  26:25 29:8
  67:3 72:24
**added** 28:2
**adding** 57:14
**addition** 87:17
  121:16
**additional** 19:2
  19:11,11,22
  26:2,3 27:4
  33:10 59:5
  67:3 77:13,13
  155:4,19,19
  156:7 158:15
  160:4
**address** 4:11
  15:7
**addressed**
  137:23
**addressing**
  15:6
**adds** 155:3
**adhere** 128:5
**adjacent**
  132:12

**adjudicated**
  110:6
**adjudication**
  128:11
**adjust** 55:11
  103:5
**administer**
  3:11
**administration**
  6:7 10:8 19:25
  21:7,8 30:22
  47:17 49:24
  56:23 82:5
  99:12,14,22
  115:18 118:22
  120:5 122:10
  133:22 134:7
  134:10 135:11
  141:17 163:7
  168:8
**administratio...**
  52:17
**administrative**
  98:23
**administrator**
  79:9 83:5
  85:24
**adopt** 66:17
  169:9
**adopted** 68:22
**adoption** 65:3
**advance** 119:14
**advanced**
  123:20

**advice** 38:25
  84:8 106:17
  117:6
**advise** 31:2
  54:16 172:19
**advised** 152:20
**advises** 53:19
**advisory** 74:17
  74:18 76:23,24
  83:7,24,25
  84:3,6 92:7
**affairs** 81:12
**affect** 43:4
**affected** 42:5
  132:3 156:24
  156:25
**aforemention...**
  33:21 45:2
  59:18 63:20
  70:21 73:21
  78:4 86:21
  97:5 113:14
  137:11 142:21
  148:19 150:9
  153:23
**agencies** 50:20
**ago** 56:11
  69:24 77:22
  96:5 116:2
  128:10 149:13
**agree** 66:6
  97:16,20
  155:18 160:25
  169:9

**agreed** 3:5,20
  59:4 63:3
  87:21
**agreeing** 153:9
**agreement**
  22:18 58:13
  72:13 73:4
  163:24
**ahead** 8:7
  169:23
**aided** 43:14
**air** 1:3,4 16:18
  19:20,25 33:14
  75:13 130:4
  137:24 150:20
  150:23 151:14
  151:17 152:16
**air's** 151:24
**aircraft** 155:6
  155:21 156:23
**airline** 58:25
  63:15 154:17
  154:19 155:4
  155:20
**airlines** 16:24
  22:12 36:25
  88:7 105:12
  157:15
**airplanes** 58:6
**airport** 7:24
  8:4,9,21 9:5,5
  9:25 10:19,24
  11:15 12:3,6
  12:12,16,20
  13:7,14,14

| | | | |
|---|---|---|---|
| 14:20 15:2,16 | 90:5 91:18 | **amended** | **answers**  5:2 |
| 15:19,20,22,24 | 92:7,15,18 | 155:11,13,14 | **anticipate** |
| 15:25 16:2,9 | 93:21 95:22 | 155:17 156:2 | 127:9 |
| 16:17,19,21,23 | 97:15 104:18 | 163:20,21 | **anticipation** |
| 16:24 17:2,8 | 104:19 105:6 | 167:8 170:20 | 123:3 |
| 17:20,21 18:2 | 108:10,14,20 | 171:6,7 | **anxious**  18:25 |
| 18:4,8,19 19:4 | 111:8 122:15 | **amendment** | **apart**  115:22 |
| 19:7 21:4,9 | 122:20 123:5,8 | 156:10 167:15 | 151:20 |
| 22:6,17,20 | 123:16,17,21 | 167:17 168:9 | **apologize**  61:4 |
| 23:2 24:10,18 | 123:25 124:4,6 | 168:24,25 | **apparent**  121:8 |
| 24:20 25:14,20 | 125:11 128:6 | **amendments** | 121:9 145:13 |
| 26:2,8,19,23 | 129:25 130:14 | 161:22 167:21 | **apparently** |
| 27:2,6,14,16 | 132:7,9,12,14 | 167:22 168:3 | 82:11 117:15 |
| 28:2,4,5,9,11 | 132:16 135:5 | 168:15 170:4 | 119:10 125:15 |
| 28:14 29:15,17 | 143:12,24 | 171:3,8,18 | 170:14 |
| 29:24 30:16 | 144:4 145:2 | 172:10 | **appear**  121:3 |
| 31:19 32:4,19 | 146:13 150:25 | **amount**  23:24 | 141:11 144:18 |
| 32:20 34:16,24 | 154:8 164:9,22 | 37:15 132:14 | 149:10 155:23 |
| 36:25 37:2 | 165:4,12 166:4 | **analogy**  126:6 | 158:13 |
| 39:21 40:15,19 | 166:7 | **analysis**  15:2 | **appears**  60:15 |
| 40:23,24 41:7 | **airport's**  35:3 | 24:24 | 93:23 97:13,20 |
| 41:17,22,24 | 132:3 | **analyze**  160:7 | 118:10 120:15 |
| 42:12 43:15,17 | **airports**  87:10 | **anca**  62:16,23 | 121:10 143:7 |
| 43:22,25 44:14 | **al**  178:2 | **andrew**  81:2 | 144:10 150:2 |
| 44:17 46:19 | **alan**  53:17 | 82:2 85:13 | 151:6 155:22 |
| 47:10,15,18 | **alerted**  79:22 | **andy**  53:13 | 156:13,21 |
| 48:4,8 51:21 | **alex**  83:15 | **annual**  44:18 | 170:3 |
| 58:6 60:20 | **alike**  150:3 | **answer**  5:11 | **applicability** |
| 64:17 66:4 | **allowed**  105:12 | 45:13 59:12 | 160:20 164:6 |
| 74:16,17,19,19 | 145:11 | 60:6 159:8 | 164:18 165:10 |
| 76:3,23,24 | **allows**  26:4 | **answered** | **applied**  43:25 |
| 79:15 82:13,15 | 34:13,14 | 141:7 | **apply**  8:14 |
| 83:7,24,25 | **alternate** | **answering** | 75:11 128:24 |
| 84:9 87:8,9,16 | 106:24 | 72:23 | 128:25,25 |
| 87:19,25 88:6 | | | 142:8 164:8,19 |

**[apply - authority]**

164:21 165:3,4
165:12,22
166:21,23
167:11
**appoint** 90:13
**appreciate** 59:2
**appreciating**
121:25
**approach** 30:2
**approached**
19:24
**appropriate**
100:25 167:11
**approval** 28:23
31:4 34:11
49:14,25 50:11
53:11 55:8,16
56:19,20 57:4
57:5,23 59:6
88:3,20 116:21
158:21 161:23
161:24 169:16
172:8
**approve** 90:7
160:11
**approved**
51:15 53:4
55:3 170:10
**approximate**
80:7
**april** 78:14,14
89:4,10,25
91:7,7 92:9
93:9,16,22
95:20 96:18

**arbitrarily**
105:14
**ardsley** 132:17
**area** 21:5 29:21
29:22 51:9
71:18 83:15
92:23 105:13
129:23 136:7
137:8
**areas** 13:22
14:22 69:21
136:10
**argue** 120:17
**arises** 102:22
**arrangement**
21:18
**aside** 72:16
**asked** 13:16
49:22 58:16
59:8 67:7
78:23 100:4
102:4 111:13
114:25 141:6
163:15 169:14
**asking** 4:19,22
13:6 23:12
39:3 42:20
52:20 77:21
102:17 103:13
107:19 121:19
122:7 156:9
**aspect** 118:21
121:25 123:15
**aspirations**
16:25 28:21

**assembly** 6:15
54:7 56:12
160:13,14
**assert** 108:2
**asserted** 63:2
105:3,4
**assertion**
106:23 118:18
145:9
**assertions**
121:16
**asserts** 53:23
68:10 104:23
**assessment**
96:23
**asset** 30:16
124:2 133:10
133:11
**assigned** 69:21
**assignment**
71:11
**assignments**
99:25
**assistant** 70:4,5
70:11 71:4,14
71:15,15 83:15
84:14,15
**assistants** 71:9
**assume** 9:10,11
32:16 33:8,8
37:15 44:20
47:12 51:6
52:24 53:13
58:24 63:10
92:5 95:19,22

104:5 111:11
113:4 115:2
121:13 144:22
147:12 149:17
164:2
**assuming** 10:21
31:9 85:10
95:9
**assumption**
95:20 145:25
**astorino** 21:7
**attempted**
66:17
**attended** 56:13
**attention** 39:20
48:21 138:11
**attorney** 1:20
2:10,10 34:10
36:24 53:18,19
54:15,15 55:13
55:21 59:4
66:12 100:21
102:19,20
105:23 147:22
148:9 168:10
**attorney's**
53:22 96:14
147:9,13,19
**attorneys** 2:4
**audit** 44:18
**author** 63:4
**authority** 38:21
88:16 104:4,10
105:10,20
106:15 107:8

117:3 120:21
121:21 126:2,4
126:18 128:2
128:18 133:16
136:24 137:5,8
140:4
**authorization**
100:11 116:17
141:21
**authorize**
141:18 145:16
**authorized**
3:11 51:19
116:19
**authorizes** 34:9
**authorizing**
26:3
**available** 18:25
153:18
**avenue** 1:20 2:5
2:11
**avenues** 108:3
**aviation** 15:20
17:21 18:4
32:3,12 75:12
82:17,24 94:11
149:2 150:17
175:21
**aviva** 96:2,6
106:7
**avports** 87:2,4
87:18 89:24
90:21 91:22
92:3,9 94:20
104:23 114:17

138:8 139:16
140:3 143:8
147:14,16
148:3
**aware** 7:18
8:19 10:5,12
10:17,23,25
12:17 21:6,10
21:12,16 22:2
37:12,18,24
38:4,9 40:18
56:2 77:19
80:21 82:9
113:7 115:18
116:25 144:14
149:20 151:23
152:4,7 167:9

**b**

**b** 1:3 2:6 51:25
175:2
**back** 7:24
20:21 21:17
42:8 46:19
52:10 55:17
57:16,23 58:9
58:21 59:5
60:21 76:9
77:25 80:24
97:23 99:25
108:12 115:11
115:14,17
116:3 124:5
154:10 161:15
162:22 169:15
170:19 171:10

**backdrop**
95:23
**background**
28:20 121:24
133:7
**backup** 43:20
83:2
**balance** 127:13
**balancing**
125:14 131:24
**barr** 83:13 86:9
136:8
**base** 16:23
**based** 9:4 18:19
29:10 38:19
45:25 62:8,9
62:10,11 121:5
124:9,14 153:8
**basic** 42:25
**basically**
166:17
**basis** 91:8
**bass** 81:10
84:17
**bates** 47:3
**becoming**
41:14
**began** 135:2
**beginning**
14:23 54:23
55:2 99:13
108:6
**begins** 48:25
50:9,14 55:5
154:13

**behalf** 116:5
**believe** 34:24
45:15 61:13,15
61:17 63:6
76:18 79:4
110:17 121:20
128:4 131:23
137:4
**believes** 105:19
**benchmark**
7:12
**benefit** 58:12
127:19 128:17
132:20 142:18
151:25
**benjamin**
143:19
**best** 4:23 5:9
61:18 79:20
**better** 29:23
96:22
**beyond** 9:16
141:10
**bidder** 25:11
**biden** 113:7
**big** 99:7
**bigger** 26:6
**bill** 55:25 171:9
**bin** 101:21
**bins** 88:15
101:7
**bipartisan** 65:3
**birth** 90:14
**bit** 5:9 12:3
24:16 31:15

**[bit - candid]**

97:25
**blade**  1:4 20:15
   20:17,25 79:17
   82:10 108:13
   114:23,25
   136:3 137:24
   138:7,18,23,25
   140:23 151:25
   152:11,12,13
**blah**  55:17,17
   55:17 132:5,5
   132:5 166:15
   166:15,15
**blind**  16:14
**blood**  177:16
**board**  10:6,13
   10:14 11:4,6
   30:23,25 31:4
   34:11 47:19
   49:8,18,24
   51:12 52:7,11
   53:16,20,21
   54:4,12 55:22
   55:24 56:21
   64:14,24 69:8
   74:17 76:23,24
   81:21 83:7,13
   83:24 84:2,6
   92:7 107:6,12
   169:11 172:5
**boards**  83:22
**boat**  132:11
**body**  78:12
   106:13

**border**  131:25
**boss**  85:6
**boston**  41:3
   125:11
**bottom**  44:13
   47:2 65:19
   74:6,8 104:22
**box**  113:7
**bradbury**
   78:14,21 80:12
   83:16 85:15
   108:12 112:25
   152:12 175:14
**branch**  10:3
   12:13 40:6
   42:17 48:16
   54:10 66:11
   112:8
**branches**  112:5
   112:10
**break**  5:16 7:20
   168:25
**breakdowns**
   43:16,19
**breaks**  118:17
   127:7
**brief**  49:10
   131:7
**briefed**  12:13
   133:4
**briefing**  23:4
   136:19
**briefly**  5:25
   6:24

**briefs**  133:4
**bring**  48:17
   168:12
**broader**  161:3
**broadly**  34:22
**brook**  16:14
   38:8 39:17
   74:15,16 79:3
   79:10 130:21
   136:2
**brought**  39:19
**bucket**  89:22
   142:6
**budget**  21:22
   42:15,16,20,23
   43:15,16,18,24
   44:13,15 71:14
**budgetary**  15:8
   71:11
**buffalo**  112:11
**build**  124:19
**building**  29:6
   112:14 127:3,4
   127:5 164:11
   164:24 165:6
   165:17 166:15
**buildings**  26:4
**bullets**  62:8
**bunch**  14:16
**bureaucratic**
   111:22
**bus**  86:2,5
**business**  19:10
   28:19,20,22
   29:11 31:23

71:12,16
   121:24,25
   122:3,8,19
   124:8,9,9,14,16
   125:2,23 126:3
   126:24 127:14
   133:8 134:20
**businesses**  16:4
   30:15 125:3

---

**c**

---

**c**  2:2 51:25
   174:2 177:2,2
**call**  63:3 64:17
   68:7 81:13
   91:7,17,18
   98:12 112:24
   135:2 136:25
   150:23 172:4
**called**  4:2 7:12
   40:22 73:6
   87:2
**calling**  145:7
   145:18
**calls**  102:13
   134:24
**camillo**  129:16
   131:21
**campaign**
   13:17,20 14:2
   17:10 25:4
   26:11 28:7
   56:13,16
**canaan**  130:15
**candid**  56:11

**civil** 1:18
**clarification** 60:18
**clarify** 23:5
**classified** 68:10
**clean** 5:13
**cleanliness** 126:10
**clear** 47:25 48:13 94:11 102:17 117:11 121:15 122:16
**cleared** 87:22
**clearly** 118:17 133:12
**client** 100:21 105:23
**close** 98:21 124:3
**closely** 141:14
**closer** 29:19
**codification** 163:11
**codified** 67:7 69:3
**codifies** 66:25 162:7 166:18
**codify** 68:25
**coli** 126:21
**combination** 146:2
**come** 13:7 14:3 16:6 26:5,7 28:20,22 39:24 40:11 56:5

80:6 89:19 92:15,25,25 96:10 100:4 105:12 110:10 117:4,22,25 120:25 135:14 138:10 161:12 170:18
**comes** 29:7,9 51:4,10 120:24 126:25 134:15
**comfort** 86:14
**comfortable** 27:15 89:13 91:12
**coming** 126:20 129:5 139:6 146:6
**commence** 133:17
**commenced** 12:20
**comment** 50:23 72:20 95:5
**commercial** 15:19 17:19,25 22:12 32:19 38:17,18 41:5 82:16,23 101:15 105:13 118:19 120:8,9 125:10 128:21 139:8
**commercially** 31:25

**commission** 178:25
**commissioner** 69:13,25 70:2 87:14 95:25 99:2,4,20
**commissions** 83:23
**committee** 34:8 36:23 56:5,10 64:14,15 65:16 65:23 66:9 68:23 74:16 79:25 80:6,19 89:20 90:4 93:3 157:9 162:17 168:11 175:8
**committee's** 67:12
**committees** 64:18,22 65:12
**common** 40:4
**communicate** 88:5 109:10 148:11
**communicated** 94:19
**communicates** 48:16
**communicating** 76:22
**communication** 77:25 90:20 91:25 129:13

138:5 139:12 139:13
**communicati...** 39:11,13 79:3 102:15
**communities** 130:12
**community** 18:10 39:25 122:19
**commuter** 123:22
**companies** 41:10
**company** 7:12 87:2
**compare** 59:14 154:18 157:24 171:13,16
**compares** 157:13
**compete** 109:12
**completely** 109:8,14
**compliance** 72:2
**complicated** 32:9
**complication** 17:9
**component** 147:24
**components** 32:16

**[conceivably - convinced]** Page 10

| | | | |
|---|---|---|---|
| **conceivably** 82:22 | **conformity** 35:10 | 134:7 160:9 | **conversation** 23:22 80:5 |
| **concept** 8:3,10 25:18 | **congressman** 172:17 | **consultation** 136:14 147:9 148:10 | 89:9,10 91:16 96:17 100:20 |
| **concern** 76:2 77:6 83:18 163:7 | **connecticut** 29:17 99:6 129:12,25 130:5 131:2,10 131:14 132:21 133:12,24 134:4 | **consulted** 117:6 135:23 | 106:17,20 112:18 136:4 136:13,15 140:18 142:14 |
| **concerned** 74:19 | | **consulting** 100:3 | **conversational** 5:9 112:3 |
| **concerns** 32:5 41:25 | | **consults** 91:22 | **conversations** 39:11,12 56:17 |
| **conclude** 62:12 | **connection** 36:7 | **contact** 84:24 85:24 134:16 | 100:23 101:3 103:15,21 |
| **concluded** 173:9 | **consensus** 164:3 | **contacting** 77:8 | 106:14 107:11 131:20 |
| **conclusion** 75:10 139:17 | **consent** 48:5,7 65:24 | **contain** 43:16 | **convey** 64:25 65:2 86:4 |
| **conditions** 126:14 | **consider** 58:8 109:15 156:8 172:25 | **contained** 37:13 | 88:11 96:19 111:9 |
| **conduct** 134:20 145:10 | | **contemporary** 21:23 | **conveyance** 34:13 46:17 |
| **confer** 133:23 | **consideration** 31:12,17 | **content** 154:25 | 49:16 64:12,13 67:22 75:16,17 |
| **conference** 2:14,15 | **considerations** 31:10 | **context** 13:16 17:10 46:23 128:8 152:10 | 79:19 80:17 85:11 100:15 |
| **confidence** 90:13 | **considered** 87:21 130:18 | **continue** 63:18 153:10,20 | **conveyances** 11:20 |
| **confident** 103:16 | **consistent** 57:13 92:24 140:6 163:8,9 | **continued** 15:7 | **conveyed** 94:4 95:16 119:23 |
| **confidentiality** 38:24 | | **contract** 88:24 | |
| **configuration** 169:5 | **construct** 27:3 | **contracted** 87:7 148:3 | **conveying** 78:21 |
| **confirm** 94:6 | **construction** 26:3 | **contributes** 18:9 | **convinced** 168:14 |
| **conflict** 34:25 54:11 117:17 | **consult** 52:12 54:14 102:23 102:24 133:23 | **convenience** 132:7 | |
| | | **convenient** 125:9 | |
| | | **conversant** 13:20 | |

**[creating - depicted]**

**creating** 117:20
  156:22
**critical** 109:22
**cunzio** 136:11
**curfew** 57:22
  57:25 58:2,4,8
  59:11 105:5,8
  105:9 157:6
**current** 5:20
  52:8 58:16
  89:4 106:7
**currently** 66:21
  69:12 84:18
**cursory** 60:7
**cv** 1:7

**d**

**d** 1:3 3:2 51:25
  174:2 176:2
**darien** 130:15
**date** 1:11 10:3
  11:8 33:24
  37:15 45:5
  59:21 63:23
  70:24 73:24
  77:23 78:7
  86:24 97:8
  113:17,25
  135:13 137:14
  142:24 148:22
  150:12 151:7
  154:2 169:22
  171:6 178:3
**dated** 21:17
  37:8,20 45:18
  71:20 93:15

113:25 137:20
  137:21 143:8
  150:15 151:6
**david** 2:12
  93:25 100:10
**day** 11:21
  26:11 40:25
  47:17,18 48:9
  53:10,13,14,17
  55:14,15,25
  60:16 77:15
  87:8,8,15,15,17
  87:17 98:14,14
  106:7,8,18,18
  109:16,23
  115:25 174:19
  177:20 178:22
**days** 3:16 40:22
  137:20
**dc10** 26:22
**deal** 14:5 16:21
  24:7
**dealing** 16:4
  112:9
**dealt** 23:19
  24:4,6 39:8
  124:2
**debate** 11:17
  20:5 24:12
  27:20 163:25
  169:8
**debated** 168:19
**december** 6:14
  6:16,18,20

**decent** 169:6
**decided** 9:17
  24:9
**decision** 22:16
  22:22,23,25
  24:13 31:6
  39:6 104:7
  107:12 112:13
  122:10 129:8
  172:4
**decisions** 22:21
  107:18 109:16
**defendant** 1:9
  1:15 2:10
**defensible**
  109:25 110:2
**deficiencies**
  126:15,17
**deficient**
  126:14 127:6
**define** 25:16,20
  161:10 169:24
  172:11
**defined** 32:6
  160:22 161:4
  171:17
**defining** 155:20
**definitely** 60:5
**definition**
  27:11 154:17
  154:18 157:21
  157:25 158:9
  158:16 162:4
  162:18 166:9
  166:24 169:19

**definitions**
  163:14
**degree** 88:25
  112:2
**delta** 171:17
**delux** 1:3 94:10
  178:2
**demand** 19:7
  29:17 94:7,13
**demonstrate**
  65:25
**denied** 66:19
**department**
  12:11 14:9,11
  14:18,21 39:22
  53:9 67:23
  68:9 69:13
  75:18 77:5,8
  87:12,23 99:3
  99:9 100:5
  126:7 148:5,7
**department's**
  75:10
**departments**
  12:15 98:16,17
**depend** 88:4
**depending**
  28:25 29:2
  30:23 89:11
**depends** 52:13
  87:20 88:13,20
  89:21 96:16
  106:19 162:4
**depicted**
  114:17

**[depose - discussed]**                                    Page 13

**depose** 172:16
**deposing** 109:5
**deposition** 1:15
  3:8,9,14 46:24
  78:23 110:10
  129:5 152:22
  153:10 173:4
  178:3
**deputy** 14:6,8
  14:14 24:21
  60:17 69:13,25
  70:2 80:9
  81:23 84:14
  98:19 103:19
**describe** 24:15
  68:15 101:25
  102:9 104:14
**described**
  27:19,25 70:6
  100:16
**describes** 119:6
**description**
  163:13 175:7
**design** 155:6,21
**designation**
  155:4
**desire** 67:3
**desist** 118:15
  118:21,23
  119:17 120:2,6
  120:23 141:19
  141:25 142:8
  145:7,19
**desk** 117:22

**detail** 23:20
  46:19,21 144:3
  160:7 166:12
**detailed** 46:16
  68:12
**details** 95:23
  162:3,19
**determination**
  161:16
**determine** 30:5
  30:19 32:15
  50:25 55:10,15
  55:21 89:7
  108:16 126:13
  128:12,13
  139:20 159:6
  172:18
**determined**
  110:23
**determines**
  57:9
**detroit** 41:4
**develop** 86:19
**developing**
  72:2
**development**
  16:3 93:25
  99:5 122:18,22
**dialog** 12:14
  50:25 52:2,22
  52:23,25 79:12
  89:3 110:15
  111:23 132:25
  134:4,13
  135:15 136:6,8

  160:2,12,15
  161:8,12,15
**die** 127:8
**difference**
  118:7 121:22
  122:2 150:4
  154:24
**differences**
  113:21 115:10
  115:21 155:2
**different** 6:8
  11:12 12:8
  14:16 18:5,6
  18:11 19:14
  25:18,25 27:9
  27:9 28:24
  29:8 41:7
  50:14 54:5
  68:25 75:25
  82:11,21 84:19
  85:3 88:19
  90:10,18
  106:25 107:2,5
  107:14 109:14
  119:15 127:24
  134:25 139:3
  142:6 154:19
  154:23 157:11
  169:4
**differentiation**
  56:4 163:19
**differently**
  90:10
**differing**
  106:15

**diligence** 24:11
  113:9
**direct** 12:6
  48:20 70:11
  131:19 134:16
  142:17
**directed** 34:22
**directing** 50:8
**direction** 25:2
  25:9 89:14
  112:2
**directly** 81:4
  85:9,25 87:11
  90:6 91:7,19
  102:20 131:21
  148:5
**director** 12:10
  14:7,8,13,14
  24:21 36:25
  71:17 80:9,14
  81:11,23 84:15
  84:18 96:7
  98:7,8,20
**disclosure**
  102:14
**discovery**
  111:11,14
  113:5
**discuss** 39:23
  54:18 90:7
  102:22 169:9
**discussed** 19:23
  37:25 76:9
  101:11 117:5
  162:16 170:17

Page 14

**discusses**
168:12
**discussion**
11:16 16:6
20:5,6 21:3
24:12 30:19
38:22 55:12
56:5 69:10
93:2 94:6 96:9
96:11,20
100:24 103:10
103:11 106:5
107:17 123:14
135:25 140:11
152:10,19
156:21 162:10
162:12 163:25
167:4,20
169:21 172:23
173:2,5
**discussions**
24:25 40:6
53:15 101:23
102:10 105:22
105:25,25
114:13 130:20
140:7,9 144:23
163:4 168:18
**distant** 11:7
163:5
**distinct** 109:2
**district** 1:2,2
41:22 42:6
43:5,7,10

**document**
33:22 35:19,23
45:3,8,16,18
47:16 48:21
49:21 50:2,24
51:7,11,15
53:23 59:19
60:4,8,10,14
62:3 63:21
64:8,25 66:25
67:8,14 70:22
73:22 78:5
79:16,18,21
86:22 94:24
97:6 110:14,21
113:15 115:6
137:12 140:18
142:22 146:21
148:15,20
150:10,21
153:24 161:18
161:20,21
162:5,8,10
163:3,8,17
171:6,8,19
175:9,10,11,15
175:17,23
**documentation**
111:15
**documents**
11:20 13:25
14:25 23:20
43:20 44:23
48:12 77:24
113:8 146:2,18

169:24 170:3
170:23 176:8,9
**doe** 135:10
**doing** 4:25
58:12 86:14
110:21 118:16
120:21 121:2,7
121:8,18,20
122:3,6,8,9
131:5 137:7
142:7,9
**domain** 20:3
107:16
**door** 127:22,25
167:5,7
**dorf** 2:4
**dotted** 133:9
**double** 97:23
**doubt** 122:23
**downstairs**
53:21
**dpw** 14:21
24:18
**dpwt** 92:8
95:25 147:17
147:18
**drabinsky**
93:25 100:10
100:15 103:9
**draft** 49:6,12
49:23 52:25
56:18,25
**drafted** 111:9
**drainage** 30:12

**draw** 163:19
**drinking** 16:11
**drive** 29:20
**drives** 129:8
**due** 24:11
**duly** 4:3 174:5
177:11
**duties** 5:25
69:17

**e**

**e** 2:2,2 3:2,2 4:2
4:2,2 70:14,15
71:2,3,20 74:4
74:7,21 75:4
75:21,23 76:4
76:8,13 77:13
77:14,20 78:13
78:13,18 79:24
82:6,8 85:3,12
85:19 93:15,23
94:4 97:19
100:18 101:4
103:25 114:8
114:24 115:13
126:21 174:2
175:2,12,13
176:2 177:2,2
**earlier** 37:17
37:22 40:13
48:10,17 56:2
64:20 68:22
74:25 78:22
79:5 82:14
114:19 140:6
152:6 154:14

**[earlier - example]**

157:5
**early** 7:14 21:3
**ease** 47:4
**easier** 29:20
**easily** 106:9
112:16
**easy** 32:3 91:5
**economic** 16:2
18:10 30:14
99:5 122:18,21
123:15
**effect** 3:12,15
61:11 62:13
66:4 120:13
**effort** 66:18
**efforts** 96:4
**eight** 14:12
**either** 15:23
18:9 19:15
39:20 77:17
102:18 104:8
115:23 119:4
128:24 136:16
145:10 161:18
165:5
**elected** 6:4,10
6:21,24 86:9
**elective** 7:3
**element** 15:19
15:20 16:5
82:22 120:19
121:14
**elements** 26:10
50:2 124:3
147:15 162:24

**ellen** 79:19 80:8
81:23 84:12
85:4
**elude** 116:23
126:5
**eluded** 64:20
82:14 114:18
122:14 144:13
149:6
**eluding** 77:4
**embedded**
88:10
**emergency**
69:14
**emily** 69:20
80:20 89:16
91:2 92:4
96:11 98:18,19
98:22 106:9
**employ** 122:4
**employed**
123:17 124:18
**enact** 9:6 156:9
**enacted** 49:7
154:14 167:13
**enacting** 156:9
**ended** 8:25
**endorsing**
59:11
**enforce** 105:20
110:19 127:18
**enforcing**
137:4
**enjoy** 125:9

**ensue** 52:23
**ensued** 52:2
**ensure** 32:9
**enterprise**
43:23
**entire** 99:12
**entirety** 105:15
**entities** 16:22
34:24 58:7
82:12 115:2
119:24 120:14
132:8 133:24
134:9,21 166:6
**entitled** 121:5
148:9
**entity** 8:16
20:25 22:17,23
22:25 44:4
73:5 82:10
115:18 117:24
118:10 120:24
125:15 147:23
150:16,18
152:14
**environment**
27:15
**environmental**
15:21 16:9
18:9 30:8
68:14
**equipment**
26:4,18,20,24
**equivalent**
130:8

**errata** 178:1
**esq** 1:19 2:6,6,9
2:12,12,14,15
**essence** 81:6
**establish**
107:13
**established**
29:3 38:20
88:15 106:12
107:24 118:2
**establishes**
64:16
**et** 178:2
**evaluate** 24:22
77:10
**evaluating** 31:7
**events** 103:14
**everybody** 70:8
83:17 87:25
91:9
**evil** 128:22
**evolves** 106:20
**exact** 82:8
**exactly** 38:6
39:15 53:8
81:13 100:16
150:3 162:7
**examination**
4:6 173:8
176:4 177:10
177:12
**examined** 4:5
**example** 57:17
92:6 118:16
154:17 157:6

**[example - fair]**

164:5
**except**  3:21
  113:20
**exception**
  165:16
**exceptions**
  14:10 99:10,10
**excerpt**  154:6
**executive**  5:21
  6:7 7:4 10:3,7
  11:11,24 12:9
  12:13,14 13:9
  13:13,24 14:6
  14:7,12 22:2
  23:11,25 24:2
  24:20,24 39:2
  40:5 42:17
  47:17 48:15
  53:14 54:14,16
  55:6,14,20
  56:22 64:13
  66:11 69:15
  71:5 79:25
  80:5,15,19
  81:9,20 89:19
  90:3,9,12 93:2
  96:6 102:18
  103:20 107:8
  107:10 110:5
  112:8 127:23
  149:19 153:14
  153:17 156:6
  163:19 167:6
**executive's**
  170:6

**executives**
  38:10 53:14
  90:18 116:19
**exhibit**  33:23
  45:4 49:11
  59:20 63:22
  70:23 73:23
  78:6 86:23
  97:7 113:16
  137:13 142:23
  148:21 150:11
  153:25 157:21
  158:2,4,12,16
  175:6,6,8,9,10
  175:11,12,13
  175:14,15,16
  175:17,18,19
  175:20,21,23
**exhibits**  139:9
  175:4,24
**exist**  31:22
  108:3 127:24
  128:15 158:12
  158:13
**existed**  9:7
**existing**  26:15
  28:11,13
  117:18 120:16
  168:9
**expand**  19:10
  29:7 30:3
**expanded**
  26:19
**expansion**
  25:15,17,21,23

26:2,10 27:8
  27:11,13,19,21
  74:20
**expect**  5:5
  29:25 117:21
  141:4,20
**expectations**
  16:25
**expected**
  148:25 149:4
**expenditures**
  44:7
**experience**
  29:14 45:25
  50:18 52:9
  99:8
**expires**  178:25
**explain**  12:3
  111:2
**explained**
  155:25
**explaining**
  119:7
**explains**  46:17
**exploring**  21:8
**exposure**  40:21
**extend**  19:16
**extended**  86:13
**extent**  13:19
  45:12 102:13
  108:8 125:6
  130:11 143:25
**extreme**  124:3

**f**

**f**  3:2 157:21
  177:2
**faa**  8:23 9:25
  10:4 33:14
  47:10,24 48:5
  48:6,16 49:13
  49:20 50:10,25
  51:3,15,17,23
  52:21 53:3
  54:21 55:16
  57:2,5,16,23
  58:9,21,24
  60:15 63:5
  65:24,25 130:2
  156:8 157:14
  157:14 158:21
  160:2 161:9,13
  161:17,20,22
  167:25 169:14
  169:16,21
  170:9,13 172:8
**faa's**  60:19
**face**  115:20
  118:4
**facilities**  27:4
**fact**  46:22,25
  50:9 66:16
  76:13 86:10
  116:21 121:18
  123:20 149:6
  153:16
**factor**  110:3
**fair**  25:7 37:5
  115:16

**fairfield** 19:5 29:16 124:25 129:11,14 130:7

**fairly** 125:4 141:14

**fall** 15:11 42:24 120:9

**falls** 12:12 88:19 89:22 107:7

**familiar** 8:2 9:23 10:2 20:15,16,24 29:13 73:5 87:2 93:8,19 94:2,24 95:2,3 114:21 115:7 116:24 143:20 144:8 150:17 150:19,22 151:8 170:13

**familiarity** 144:2

**far** 115:17 130:13

**fashion** 19:17 87:11 131:19 139:4 140:16

**favorably** 65:16

**fbo** 18:18,20 20:13 29:4,7,9 32:6 138:18 139:6 145:3

146:9 149:8 150:24

**fbo's** 18:23,24 19:9,15,19 22:12 28:5,9 28:11,14,19,25 29:4,25 31:7 32:18 34:15 35:10 37:5 38:11,13 40:19 41:8 42:7,12 88:7 101:13 131:16 143:23 144:4 146:6,7 146:16 149:7 149:10,16,20

**february** 77:17 77:18

**federal** 1:17 33:3,12,13,17 50:21 75:12 81:21 94:11

**feedback** 160:6

**feel** 5:8 57:15 132:19

**feelings** 27:23

**fees** 44:9

**felt** 63:14 85:10 89:13

**ferris** 81:2 82:3

**ffa** 159:19

**fiduciary** 124:17

**figure** 7:21 103:4

**filing** 3:7

**fill** 127:17

**final** 52:17 65:2

**find** 19:12 60:16 171:3

**finding** 47:4

**fine** 4:16 18:17 89:14

**fire** 127:7

**firm** 63:11

**first** 4:3 7:24 11:2 21:12 37:12 40:18 41:21 42:11,13 42:22 60:8,9 77:24 84:23 91:8 97:18 107:21 115:6 116:4 129:17 149:12 152:13 154:21 157:2 159:2,25 164:7 174:5

**fischer** 83:12

**fit** 108:14

**five** 11:11 113:8

**fixed** 16:23 18:18

**fixing** 27:12

**flagpole** 88:18 89:16

**flexibility** 9:14 55:15

**flexible** 27:22

**flight** 15:24 32:2 41:5,5 57:18 121:12 143:19 146:24

**flights** 32:11 40:25 92:17 94:6,8,9 121:15 132:4

**flip** 25:19

**floor** 69:15 70:8 71:8 81:4 112:15

**flow** 16:13 103:6

**fluid** 25:18

**fly** 41:3

**focus** 43:4 73:10 97:24 101:19 109:19 119:25 160:16 163:13

**focused** 22:4 43:7 56:15

**foil'd** 111:18

**folks** 85:6

**follow** 34:20

**followed** 9:3 23:21 141:14 152:14

**following** 10:20 10:22 49:8 67:11 68:20

**follows** 4:5 76:17 112:19

**[george - government]** Page 19

| | | | |
|---|---|---|---|
| 69:1 70:1 71:1 | 148:1 149:1 | **gives** 68:11 | 25:19 34:3 |
| 71:5 72:1 73:1 | 150:1 151:1 | 118:16 171:9 | 36:19,20 45:8 |
| 74:1 75:1 76:1 | 152:1 153:1 | **global** 1:4 | 45:9,11 48:20 |
| 77:1 78:1 79:1 | 154:1 155:1 | **go** 6:24 7:24 | 58:22 59:16 |
| 80:1 81:1 82:1 | 156:1 157:1 | 8:7 9:16 14:10 | 60:2 61:6 62:5 |
| 83:1 84:1 85:1 | 158:1 159:1 | 16:3,14 25:2,9 | 64:2,3,23 |
| 86:1 87:1 88:1 | 160:1 161:1 | 30:24 32:3,5 | 65:17,20 66:15 |
| 89:1 90:1 91:1 | 162:1 163:1 | 39:6 44:22 | 67:9 73:10,13 |
| 91:7 92:1 93:1 | 164:1 165:1 | 47:21 53:12 | 88:9 93:12,16 |
| 94:1 95:1 96:1 | 166:1 167:1 | 55:22 57:16,22 | 94:5,14,17 |
| 97:1 98:1 99:1 | 168:1 169:1 | 58:9,21 59:5 | 97:24 98:2 |
| 100:1 101:1 | 170:1,6 171:1 | 60:21 62:2 | 104:20 107:24 |
| 102:1 103:1 | 172:1 173:1,3 | 68:4,18 71:12 | 109:12 115:11 |
| 104:1 105:1 | 174:1,15 175:1 | 82:20 90:24 | 117:20 119:12 |
| 106:1 107:1 | 176:1 177:1 | 91:14 109:9 | 120:3 133:14 |
| 108:1 109:1 | 178:3,21 | 125:10,11 | 136:21,25 |
| 110:1 111:1 | **germane** 43:10 | 128:19 129:6 | 148:23 151:4 |
| 112:1 113:1 | **getting** 41:6 | 130:5 134:17 | 154:10 |
| 114:1 115:1 | 79:18 95:8 | 136:23 145:14 | **good** 4:14,15 |
| 116:1 117:1 | 102:25 104:21 | 148:9 150:6 | 5:18 48:22 |
| 118:1 119:1 | 129:21 | 153:5 157:14 | 89:23 90:23 |
| 120:1 121:1 | **give** 25:7 37:14 | 157:20 162:18 | 91:20 93:5 |
| 122:1 123:1 | 57:16 75:25 | 162:22 165:9 | 94:16 128:22 |
| 124:1 125:1 | 89:13 90:14 | 169:23 171:10 | 173:6 |
| 126:1 127:1 | 98:9 108:8 | 172:16 | **google** 71:23 |
| 128:1 129:1 | 111:25 113:9 | **god** 85:2 | 72:9 73:8 |
| 130:1 131:1,4 | 117:3 | **goes** 46:19 | **gotten** 20:2 |
| 132:1 133:1 | **given** 30:6 | 52:15 91:23 | 85:9 |
| 134:1 135:1 | 37:15 39:2 | 105:16 107:15 | **government** |
| 136:1 137:1 | 55:16 104:4 | 107:22 108:12 | 6:5,8 22:3 33:3 |
| 138:1 139:1 | 110:19 111:25 | 116:8 126:11 | 33:12,13,17 |
| 140:1 141:1 | 128:2 146:3 | 127:4 133:12 | 44:3,21 50:21 |
| 142:1 143:1 | 153:16 170:2 | **going** 4:18 7:20 | 50:21 54:6 |
| 144:1 145:1 | 174:10 177:13 | 7:25 14:24 | 81:22,25 83:20 |
| 146:1 147:1 | | 18:14,15 23:13 | 84:4 85:2,24 |

**[government - hereunto]**

86:4 91:9 98:16 99:23 110:18 112:5,6 112:10 125:25 126:12 127:2,8 127:18 130:8,9 130:24 131:10 131:14 133:9 133:23 134:8 146:12 147:16 160:16 164:3 167:23

**governmental** 133:2

**governments** 85:4

**governor** 112:9 112:9

**governor's** 54:9

**grandfathered** 8:3,11,16 62:15 63:2

**granted** 104:25 163:12

**grasp** 42:25 46:15

**great** 19:7 99:6 144:3 160:7

**greater** 9:6 27:5 89:18 91:22 166:12

**greechan** 87:13 89:11 95:24 99:15 106:6

112:14 139:23 143:15

**greenwich** 129:17,22 130:11,17 132:10,24 135:18

**greet** 172:17

**grimes** 2:6

**ground** 16:16 108:24

**group** 74:18,19 165:21 166:5,5

**growth** 122:22

**guess** 13:5 75:22 77:16 81:12 92:17 118:8

**guessing** 142:15

**h**

**h** 2:12 175:2

**half** 46:11 103:22 115:22 116:2 153:18 163:2

**hand** 30:7 47:2 65:7 98:22 115:11 154:10 177:20

**handed** 59:22

**handing** 33:25 45:6 63:24 70:25 73:25 78:8 97:9

113:18 137:15 142:25 150:13 154:3

**handle** 91:10

**hang** 167:18

**hanger** 19:2,11 29:8

**happen** 17:2 29:11 34:12 48:7 53:4 87:16 96:19 119:12,18,19 119:20 135:16 145:12

**happened** 11:5 40:9 42:2 46:20 55:17 61:20 119:20 140:8 141:13 160:12,13 161:8 169:13 169:17,18

**happening** 13:21 22:3 39:19 108:10 108:13,17 135:10 144:19

**happens** 4:22 14:17,18,19 16:8,12 92:11 110:24 111:2,3 125:18 172:18

**harmonious** 103:2

**harrison** 130:22

**hastings** 132:17

**head** 25:20 83:6 100:4 109:24

**headquarters** 30:17

**heads** 19:20 74:15

**health** 14:18 126:7

**heard** 123:4 152:13 162:10

**hearing** 136:17

**hearings** 107:16 122:25 129:20

**heart** 105:17

**heavier** 26:4,19 26:20

**held** 1:18 5:22 69:10 152:19 167:20 172:23

**help** 73:16 110:10

**helps** 44:13 81:7

**hendrickx** 79:19 80:8 84:12

**hereinbefore** 174:11 177:11

**hereunto** 177:19

**hey** 91:3 172:6
**high** 125:5
**higher** 55:9
**highest** 90:6
**history** 46:17
  60:21
**hmm** 7:22
  31:11 37:10
  75:3 78:17
  133:20 139:24
  147:7
**hold** 6:11
  115:12 154:9
**honest** 158:25
**hospitality** 7:5
**host** 134:25
  162:21
**hour** 115:25
  153:5 163:2
**hours** 152:22
  153:7,18
**hpn** 94:7
**http** 73:13
**hugh** 87:13
  89:11,12 92:4
  93:9 95:24
  96:9 99:15,16
  99:18 100:21
  103:17 107:21
  112:14,16
  116:22 139:23
  143:15
**humorously**
  27:12

**i**

**idea** 160:11,14
**identification**
  33:23 45:4
  59:20 63:22
  70:23 73:23
  78:6 86:23
  97:7 113:16
  137:13 142:23
  148:21 150:11
  153:25
**identified**
  162:20,21
  163:2
**imaginary**
  157:6
**immediately**
  95:24
**impact** 16:9
  18:7 30:9,11
  30:14 68:14,15
  68:17
**impacted** 17:5
**impacts** 15:21
  16:11 30:8,13
  108:19 122:15
  132:19
**imperfect**
  22:14 38:5
**implement**
  27:24 49:25
  81:7
**implementati...**
  53:9 60:23

**implemented**
  9:14 60:25
**implementing**
  117:23
**implications**
  104:15 108:17
  171:24
**important**
  19:13 92:21
  95:11 104:10
  123:25 124:6
  141:12 169:25
  171:24
**impose** 105:5,8
**improve** 28:21
  51:7
**inaction** 50:15
**include** 22:11
  85:13 131:2
**includes** 19:5
  81:19 83:10
**inclusion**
  158:22
**incumbent**
  55:3
**independent**
  54:5
**indicate** 5:17
**indicating**
  71:24
**individual**
  39:24 60:16
  74:8 83:24
  103:15 143:21
  143:22

**individuals**
  19:8 39:25
  79:20 106:14
  116:12 123:6
**industry** 7:5
  58:25 124:13
  124:23
**inform** 40:3
  63:14
**informal**
  103:15 131:4
  161:24 169:20
**informally**
  134:15 160:10
  161:18 169:18
  169:19
**information**
  23:24 76:3
  95:11,14,16
  96:20 103:7
  111:10,10
  138:12 139:21
  176:8,9
**informational**
  145:17 151:3
**informed** 36:24
  39:15 65:23
  66:10,11 81:24
  82:2 115:9
**informing**
  117:13,24
  144:16 145:2
  146:16
**informs** 82:2

**initial** 96:16
**initially** 85:8
  136:3
**initiate** 34:10
**initiative** 85:5
**input** 33:5,8
  129:21 131:6,9
  131:13 135:12
  137:6,7 148:15
**inside** 32:24
**inspector** 127:3
**instance** 61:3
**instant** 151:21
**intelligently**
  95:5
**intended** 19:21
**intending**
  118:12
**intensity** 107:3
  107:5
**intent** 159:4
**intention** 36:3
**interact** 17:22
  70:8 115:2
  130:9,14
  135:10
**interacting**
  80:11
**interaction**
  32:21 81:17
  83:17
**interacts** 81:20
**interest** 135:9
**interested**
  177:17

**interesting**
  167:4
**interests**
  126:25
**intergov** 80:14
  84:21
**intergovernm...**
  80:10 81:12,19
  84:16
**internal** 39:11
  39:13 48:12
  68:2 111:8
**internally**
  19:24
**interpret** 54:9
  73:2 108:23
  120:20 139:5
  145:4 159:15
**interpretation**
  96:13 147:5
**interpreted**
  101:14 107:23
**interrupted**
  61:3
**interviewed**
  109:11
**investigate**
  80:23
**investigation**
  139:16 140:21
  141:5,21
**involve** 17:25
  107:25,25
**involved** 11:12
  12:2 13:24

  21:20 84:21
  89:17 95:2
  96:15,23 101:3
  103:18,20,22
  103:22 106:9
  119:24 132:23
  133:6 135:21
  140:9
**involvement**
  161:17
**involves** 12:5
  16:10 96:12
  106:17,22
**island** 16:15,15
  43:8
**issue** 13:6 24:4
  24:7 28:18
  33:7 38:23
  39:7 40:11
  43:2 48:9
  50:19 72:2
  85:25 87:24
  88:21 89:6
  102:21 118:23
  120:6 136:3
  141:12 160:16
**issues** 7:19 10:5
  12:2,16 13:15
  14:4,25 15:5,9
  15:9,13,15
  16:20 17:12,15
  17:16 18:9,10
  18:10,14,22
  20:14 22:4,21
  30:6 37:12

  41:24 42:4
  43:4,6 50:20
  52:14 56:15
  84:9 111:7
  129:14 135:2,4
  135:5,21
**iteration**
  107:21
**iterations** 6:9
  52:9
**itt** 7:11

**j**

**j** 158:6,7,16
**jail** 13:17
**jane** 135:10
**january** 1:11
  5:24 6:13,16
  6:18,20 20:12
  37:8,20 110:9
  177:20
**jenkins** 80:20
  101:2 109:20
**jeopardize** 67:4
**jet** 26:22 32:12
**jets** 41:12
**jetsmarter**
  71:25 72:8
  73:6,17 75:12
  75:20 76:8,14
  114:16,20
  115:8,19,23
  116:2,6,9,24
  119:9 121:11
  125:16 128:16
  139:11

**jetsuitex**  1:4
**jim**  135:10
**joan**  69:20,21
  80:20 81:6
  82:3 85:13
  89:16 90:25
  92:4 96:11
  98:3,5,18,21,25
  100:20 103:17
  106:8 109:21
  116:22 139:23
  143:15
**job**  56:14 128:9
**jobs**  30:14 99:7
  123:5
**joe**  113:7
**john**  1:19 2:9
  2:12 100:21
  109:20 116:23
  139:25 143:16
**joined**  99:22
**jonathan**  2:6
  93:7 172:20
**jonathan's**  4:16
**jsx**  1:3 93:25
  94:6 95:3
  100:10 101:9
  105:19 114:8
  114:23 119:6
  139:10
**jsx's**  94:9
**judge**  3:13
  159:10
**judgement**
  32:7

**june**  63:7
**justification**
  95:7

**k**

**kaplan**  63:12
  63:15
**keep**  5:2 18:15
  42:8 67:9
  126:10 133:5
**keeping**  28:6
  81:25 128:6
**ken**  80:20
  89:20 101:2
  103:18,19
  109:19
**key**  57:9
**kind**  29:8 90:17
  131:7 135:15
**kinds**  111:18
**kirsch**  63:12,16
**kitchen**  126:10
  126:12,13
**knew**  41:11
  80:25 86:12
  152:5
**know**  4:17,23
  9:11 10:7 18:6
  21:15 23:23
  25:12 27:20
  29:5,12 31:2
  33:12,13,15
  36:2 41:8,13
  42:19 43:9
  47:15 48:6,12
  50:6 51:10,17

52:8,8 53:2,7,8
54:9 55:12
57:25 60:23
61:21 63:11,16
63:17 70:7,17
72:8,11 73:15
74:11 75:19,20
76:2,15,16,17
77:9 79:9,14
79:17,23 80:3
80:4,16 82:4
82:25 83:3
84:7 86:2,11
86:15,25 87:20
88:14 90:4,7,8
92:2,19,21
93:10,18 98:4
99:15 101:21
102:19 103:12
103:19 106:4
106:20,21
107:2 108:20
110:12 112:4
112:22 113:11
114:15,15,25
115:24 118:6
119:19,25
121:11,15
123:9 125:17
125:18,19,20
129:5,22 131:4
131:6 133:8
136:22 138:9
138:25 139:5
139:19 140:5

140:17 141:2,9
141:14 142:14
142:16,18
144:4,6,20,25
145:17 146:17
147:8,11
149:22 152:5
152:10,14,25
153:5 155:13
158:25 161:7
161:13,14,23
161:24 162:2,2
162:20,23
163:16,17
168:6,18,20
169:12,16,23
169:25 170:15
170:25 172:13
**knowing**
  124:23 148:13
**knowledge**
  39:17 40:4
  61:18 131:12
  135:25 142:17
**knowledgeable**
  43:11 78:24
**known**  13:3,3
  20:25 40:25
  85:15
**knows**  85:2

**l**

**l**  2:6 3:2,2 4:2
  174:2
**ladder**  91:23
  100:17 103:23

| | | | |
|---|---|---|---|
| 107:22 | 34:2 35:1 36:1 | 103:1 104:1 | 154:14,19 |
| **laguardia** | 36:16 37:1,11 | 105:1,21 106:1 | 155:1,3,8,22,23 |
| 29:19 | 38:1 39:1 40:1 | 107:1 108:1 | 156:1,3 157:1 |
| **lake** 16:12 | 41:1 42:1 43:1 | 109:1 110:1 | 157:20 158:1 |
| **land** 26:3,22,23 | 44:1,25 45:1,3 | 111:1 112:1 | 159:1 160:1,18 |
| 26:25 28:2 | 45:6,7 46:1 | 113:1,13,15,18 | 161:1 162:1 |
| 108:9 | 47:1 48:1 49:1 | 113:19,19,24 | 163:1 164:1,7 |
| **lanes** 93:3 | 50:1 51:1 52:1 | 113:24,25 | 165:1,18 166:1 |
| **language** 34:21 | 53:1 54:1 55:1 | 114:1,7,9,14 | 167:1 168:1 |
| 52:25 68:24 | 56:1 57:1 58:1 | 115:1,12,13 | 169:1 170:1,6 |
| 120:23 138:17 | 59:1,17,19,22 | 116:1,3,13,15 | 171:1 172:1 |
| 141:25 145:8 | 59:23 60:1,9 | 117:1,7,9 | 173:1 174:1,15 |
| 155:7,19,20 | 61:1 62:1 63:1 | 118:1 119:1 | 175:1,4 176:1 |
| 156:3,7,14,17 | 63:9,19,21,24 | 120:1 121:1 | 177:1 178:3,21 |
| 157:8 160:4 | 63:25 64:1 | 122:1 123:1 | **latimer's** 173:4 |
| 168:6 | 65:1,14 66:1 | 124:1 125:1 | **launch** 136:22 |
| **large** 110:25 | 67:1 68:1 69:1 | 126:1 127:1 | 137:2 |
| 112:7 127:20 | 70:1,20,22,25 | 128:1 129:1 | **law** 49:7,12 |
| **larger** 166:5,5 | 71:1,2,6 72:1 | 130:1 131:1 | 50:13,13 53:9 |
| **late** 57:20 | 73:1,22,25 | 132:1 133:1 | 54:23,25 55:4 |
| 132:4 | 74:1,2 75:1 | 134:1 135:1 | 55:7,11 63:11 |
| **latimer** 1:16 | 76:1 77:1 78:1 | 136:1 137:1,10 | 66:2 68:9,21 |
| 4:1,10,14 5:1 | 78:3,5,8,9,12 | 137:12,15,16 | 68:24 69:3 |
| 5:19 6:1 7:1,17 | 79:1 80:1 81:1 | 137:19,20 | 75:10,17 77:5 |
| 8:1 9:1 10:1 | 82:1 83:1 84:1 | 138:1 139:1 | 77:8 96:13 |
| 11:1 12:1 13:1 | 85:1 86:1,20 | 140:1 141:1,16 | 102:23,24 |
| 13:5 14:1 15:1 | 86:22,25 87:1 | 142:1,22,25 | 104:6,12 |
| 16:1 17:1 18:1 | 88:1 89:1 90:1 | 143:1,2 144:1 | 106:24 107:14 |
| 18:13 19:1 | 91:1 92:1 93:1 | 145:1,15 146:1 | 107:25 109:25 |
| 20:1 21:1 22:1 | 93:12,13 94:1 | 147:1 148:1,20 | 111:17 128:12 |
| 23:1 24:1 25:1 | 95:1 96:1 97:1 | 148:23 149:1 | 147:6 154:14 |
| 26:1 27:1 28:1 | 97:4,6,9,10,13 | 150:1,2,3,10,13 | 155:10 156:21 |
| 29:1 30:1 31:1 | 97:21 98:1 | 151:1 152:1 | 163:11 167:6,9 |
| 32:1 33:1,20 | 99:1 100:1 | 153:1,24 154:1 | 168:3,4,9,16,25 |
| 33:22,25 34:1 | 101:1 102:1,16 | 154:3,4,10,12 | 170:7,8,19 |

**[laws - liaison]** Page 25

**laws** 35:5 50:20
  130:25 154:7
**lawsuit** 15:10
  15:12 17:14,17
  46:21 60:22
  105:2,7 111:12
  111:14 129:15
  131:11 136:22
  137:2 153:15
  163:9 167:14
**lawyer** 9:12
  53:8 104:13
**lay** 108:9
**layman's** 62:22
**layout** 32:18
**lead** 24:12
  46:20 101:24
  139:16
**leaders** 12:15
**leadership**
  52:12
**lean** 106:23
**leap** 77:18
**learn** 149:12
**learned** 41:19
  42:11
**leave** 72:16
  170:16
**left** 7:13 11:3
  69:24 99:24
  110:11 120:12
  170:18
**legal** 15:2
  34:10 38:25
  53:23 54:10

71:7 76:10
  102:25 104:14
  104:15 106:17
  108:3 109:6
  117:6 120:17
  120:18 148:15
  167:10
**legally** 108:24
  131:2
**legislation**
  12:18 40:8
  53:12 54:13
  56:9,25 64:20
  65:4 67:25
  69:4 133:16,21
  171:11
**legislative** 10:9
  10:10 41:21
  79:11 106:13
  131:22 149:15
**legislator** 9:19
  9:23 10:11
  12:7 41:15,17
  41:20 42:3,9
  42:14,23 54:17
  83:14 86:8
  120:12 136:7
  170:12,18
  171:5
**legislators** 10:6
  10:14,15 11:4
  11:6 12:19
  30:23 31:5
  34:12 43:3
  47:20 49:8,18

49:25 51:12
  52:7,11 53:20
  53:21 54:4,12
  55:23 64:14,24
  81:22 86:16
  107:7,12
  136:23 169:5,7
**legislature** 6:17
  23:23 37:13
  40:21 42:5,17
  43:8 44:18
  45:18,21,23
  48:14,18,18
  50:15 51:5
  52:18 55:5
  79:12 107:25
  156:9,19
  168:11 169:8
  171:5 172:2
**lengthening**
  26:16
**letter** 40:2
  53:11 63:4,8
  75:16 83:9
  97:14,19
  100:10 103:10
  109:18 114:12
  114:17 116:5
  116:16 117:12
  117:12 118:4
  118:21 119:5
  119:17,22
  120:2 121:13
  137:16 138:8
  138:21,24

139:17 140:2,4
  140:22 141:14
  141:19,22
  142:9 143:8
  144:7,9,10,21
  145:5,13,17,19
  145:23 146:8
  147:17 149:9
  149:24 150:14
  151:3,9,13,15
  152:11 175:14
  175:16,18,19
  175:20,22
**letters** 117:19
  119:2,23
  120:24 138:4
  139:4 140:6
  144:13
**level** 8:22 13:21
  13:24 16:16,18
  18:8 22:10
  26:24 42:6
  55:9 96:11
  107:2,5 112:23
  117:8 118:23
  119:15 120:4
  122:9 124:11
  125:5 126:11
  127:2,12
  130:10 132:5
  132:23 136:6
**levels** 54:6
**liaison** 76:19
  96:2,4

**[light - magnitude]**

**light** 32:12 44:6
 108:21
**likely** 76:25
 79:6 89:9,10
 91:2 103:14
 133:10 152:13
**limit** 23:14
**limitation**
 156:16 157:2
**limitations**
 61:10
**limited** 16:10
**limiting** 173:3
**line** 10:22
 44:13 97:18
 104:22 110:16
 116:4 130:16
 176:14 178:5
**lines** 27:25
 123:23 133:9
**lisa** 1:21 177:7
 177:24
**list** 19:21 31:9
 85:11
**listed** 31:8
**listen** 35:21
**listened** 122:24
**listing** 18:14
**litigate** 38:21
**litigated** 7:19
 105:17
**litigating** 104:2
**litigation** 8:20
 8:25 12:19
 34:15,21 39:6

104:3 106:25
133:17 135:7
135:21 151:16
151:21
**little** 11:19
 31:15 97:24
 112:11
**live** 15:23
 29:20 58:2
 125:8 129:22
 132:17,18
**lives** 84:9
 134:17
**llc** 1:3,4 150:17
 175:22 178:1
**llp** 2:4
**local** 34:9
 36:12 50:12,13
 54:22,25 55:4
 66:2 68:21
 81:22,24 84:24
 84:25 127:2
 130:8 154:7
 155:10 168:3
**locals** 136:17
 137:3
**location** 170:22
**logical** 100:19
 172:13
**long** 5:16,22
 16:15,15 43:8
 69:24 75:5
 79:9,9 85:17
 92:11 129:3,6
 149:13

**longer** 26:5
**look** 30:4,7,9
 30:10,12,13,15
 32:14 34:3
 44:4,5,6,15
 45:13 46:25
 47:2,15 48:11
 49:22 50:23
 58:17,18 59:24
 64:2 71:3,12
 71:13,16 73:8
 78:9 86:7
 97:10 98:2
 108:15 113:21
 133:8 137:17
 143:5 146:2
 150:3 151:5
 154:5,16 155:9
 155:14 162:23
 163:21 164:4,7
**looked** 57:10
 97:23 124:12
 169:2 171:13
**looking** 14:24
 21:4 27:18
 45:24 47:19
 65:20 74:22
 100:13 103:6
 116:3 139:2
 149:10 156:17
 160:4 163:17
**looks** 46:16
 71:20,23 72:14
 77:22 92:23
 96:10 143:18

147:20
**loop** 96:8,22
**looped** 97:3
**lord** 110:10
**lose** 157:10
**loss** 105:9
**lost** 66:20
 105:2,3
**lot** 8:2 104:16
 112:22 126:8
 163:25
**lottery** 38:15
 162:20
**lucrative** 19:6
 124:24

---

**m**

**m** 1:19 2:9,12
 4:2
**macquarie**
 21:20 24:4,23
 25:7,10
**made** 21:12
 26:14,17 30:22
 37:12 38:9
 39:5 43:25
 58:23 61:19,22
 78:24 80:21
 82:20 98:4
 107:19 114:20
 119:21,23
 148:16 153:17
 160:10 170:4
 172:9
**magnitude**
 89:18 90:6

91:22 103:17
**mahmoud** 2:14
**mail** 70:14,15
  71:2,3,20 74:4
  74:7,21 75:4
  75:21,23 76:4
  76:8,13 77:13
  78:13,13,18
  79:24 82:6,8
  85:12,19 93:15
  93:23 94:4
  97:19 100:18
  101:4 103:25
  114:8,24
  115:13 175:12
  175:13
**mails** 77:14,20
  85:3
**main** 43:24
  78:12
**maintain** 8:22
  48:4
**major** 7:7
  29:21 41:12,23
  101:6 123:18
**make** 5:10,11
  22:21 25:8
  44:11,12 52:19
  57:3,24 58:5
  58:19,20 59:2
  61:9,22,23
  83:3 91:15
  95:6 109:16
  124:20 125:24
  126:5,8,19

127:6,15
  145:24,25
  147:18 148:6
  156:21,25
  157:9,12
  161:16
**maker** 22:22,23
  23:2
**makers** 31:6
  112:14 172:4
**makes** 27:14
  61:23 74:5
  100:19 118:13
  124:21 166:9
  172:13
**making** 22:16
  58:10,13 96:23
  146:9 157:7
  159:12
**malevolent**
  125:22
**manage** 12:5
  87:10 110:7
**management**
  7:12 8:4 12:12
  12:21 13:13
  16:13 24:19
  25:12 47:18
  87:8,15,18,24
  88:18 117:5
**manager** 25:11
  89:4,4,5,24
  90:9 93:21
  95:22 97:15
  143:12 145:2

**manifest**
  112:25
**march** 45:18
  49:21 71:20
  74:21 77:16
  115:14,17
**margaret**
  136:10,16
**marginally**
  22:2
**mark** 33:19
  44:24 73:19
  78:2 113:12
  137:9 142:19
  148:17 150:7
  153:22
**marked** 33:22
  34:2 45:3,7
  59:19 63:21,25
  70:20,22 73:22
  78:5 86:22
  97:6 113:15
  137:12 142:22
  143:2 148:20
  150:10 153:24
  176:13
**market** 19:3,4
  19:6 29:14
  124:13,15,21
  124:24 125:3
**marketing** 7:4
  121:12
**marketplace**
  125:24 133:7

**marks** 148:14
**marriage**
  177:16
**marshall** 83:15
**martine** 1:20
  2:11
**master** 123:3
  129:19,21
  135:9,13,19
**material**
  171:12
**matter** 4:18
  11:14,16 32:9
  39:22 41:17,23
  55:12 101:6
  104:11,11,12
  108:18 117:10
  118:25 122:20
  128:23 162:12
  177:18
**matters** 104:16
**mayor** 83:11
**mcdonald**
  69:20 80:20
  81:6 98:4
  109:21 139:23
  143:15
**mcdonald's**
  98:10
**mean** 15:17
  30:15 34:20
  48:11 73:2
  88:12 101:25
  106:2 108:5,19
  118:24 129:22

160:8 162:16
162:17,22
**meaning** 26:5
162:19
**means** 25:24
27:9 65:15
86:14 109:10
128:5 153:2,3
158:10
**meant** 22:19
84:16 162:8
**meat** 163:4
**mechanism**
95:13,15
**meet** 92:3,4
**meeting** 80:6
92:8 103:8
106:11
**meetings** 56:13
92:6 106:13
111:17
**member** 6:15
6:19 45:22
64:19,21 66:9
83:13,25
**members** 6:6
23:22 48:13
56:3
**memo** 84:13
108:13 111:24
112:19 113:2
115:25 119:14
**memorandum**
47:9 111:9

**memorialize**
111:10
**memory** 11:7,7
38:5
**memos** 90:16
115:21,24
**men** 27:13
**mention** 98:4
160:20
**mentioned**
11:23 14:16
17:11 18:18
28:8 32:25
39:10 40:13
43:13 65:5
83:22 99:16
101:20 117:9
129:10 135:19
**mentioning**
15:14
**merritt** 132:5
**messed** 118:9
**meyer** 96:2
106:7
**micro** 90:9
**mid** 8:25 46:21
104:4,19
**midnight** 57:19
57:19
**midterm** 17:8
**midway** 105:14
**milestones**
133:15
**million** 19:20
19:25 150:20

150:23 151:14
151:17,24
152:16
**mind** 26:2
58:25 82:17
159:12
**minds** 25:18
**minor** 91:6
**minute** 46:10
77:22 102:23
**minutes** 112:16
112:17 128:10
153:4
**mission** 126:22
127:4,5
**mitigate** 68:16
**mm** 5:4 7:22
31:11 37:10
75:3 78:17
133:20 139:24
147:7
**mmm's** 5:4
**mobility** 1:4
137:24
**model** 28:19
29:11 124:9
**modernize** 29:5
**modes** 91:24
**modifications**
51:13,14
156:19
**modifies** 55:18
**modify** 55:19
**moment** 34:4
75:4,6 101:20

115:12 128:14
154:9
**money** 124:20
124:21 126:8
**monitor** 69:22
**montauk**
112:10
**month** 92:8
99:22 134:22
**monthly** 92:10
92:14
**moran** 1:21
177:7,24
**morning** 4:14
4:15,20 60:12
**moss** 2:15
**mount** 136:11
**move** 36:9,16
**moved** 84:19
**moving** 40:7
**multi** 175:9
**multiple** 32:18
45:8
**municall** 135:2
**municipal**
80:12,13 84:25
134:5,14,18,24
**municipalities**
132:11 135:16
135:23
**municipality**
133:4
**myriad** 13:15
14:4

**n**

**n**  2:2 3:2 174:2
  176:2
**name**  4:8 19:18
  20:17 60:17
  91:8 96:3
  114:21 115:19
  116:24 150:16
  178:2,3
**named**  74:8
**nancy**  83:13
  86:8 136:8,16
**naturally**
  136:25
**nature**  49:16
  86:18 101:4
  106:19 127:17
  167:14
**near**  84:9
**necessarily**
  14:25 20:6
  27:10 88:12
  112:25 135:6
  163:14
**necessary**
  32:15 65:25
  93:4
**necessity**  58:9
**need**  12:25 29:5
  29:7 45:13
  52:22 57:15
  58:21 59:25
  63:14 64:6
  68:12 73:15
  86:6 89:7

91:12 112:16
126:3 127:16
128:19 136:19
147:17 158:21
159:18 171:10
172:2,16
**needed**  39:8,8
  41:3
**needs**  118:15
  120:5 122:11
**negative**  68:15
  125:22 126:23
  132:19
**negotiating**
  52:18
**neighboring**
  129:12 136:10
**neighbors**
  132:24
**neither**  25:10
**nelson**  2:4,6 4:7
  4:15 10:20
  23:17 33:19
  35:14,20 36:10
  44:24 59:16
  63:18 70:19
  72:19 73:19
  78:2 86:20
  97:4 102:6
  113:12 137:9
  142:19 146:25
  148:17 150:7
  152:17,23
  153:3,20
  172:21 173:6

176:5
**nestle**  7:10
**never**  31:25
  58:15 72:6
  75:21 94:23
  102:17 161:21
  162:8,10
  163:18
**new**  1:2,8,21,22
  2:5,11 4:4,12
  6:12,15 28:5,8
  56:12 66:17
  99:2,3 123:22
  129:25 130:14
  130:25 133:13
  134:8 135:16
  177:4,8 178:1
**night**  132:4
**nine**  14:12
  155:6,21
  156:23 157:17
**noise**  16:10
  30:10,10
  122:17 132:4
**nonexhaustive**
  31:9
**nonna**  1:19 2:9
  2:12 8:6 9:8
  10:18 12:23
  13:10 20:18,23
  23:15 28:16
  34:18 35:12,14
  35:18 36:4,13
  50:16 52:3
  53:5 57:7

62:20 67:20
72:18 94:21
95:17 100:6
102:3,7,12
109:21 114:3
122:12 131:17
133:25 134:11
139:25 140:24
141:6,23
143:16 145:20
146:23 147:25
151:10 152:2
152:20,25
153:7 156:11
158:23 159:21
161:5 165:25
172:24
**nook**  42:18
**normal**  85:23
  134:16
**normally**  79:13
  80:2 85:18
  92:24,25
  135:17
**north**  16:12
  130:20 136:11
**notary**  1:22 4:4
  174:22 177:7
  178:25
**note**  71:25
  139:22
**notes**  106:2,12
**notice**  1:17
  137:19 160:18

**november**
97:15 114:2,5
114:6 119:12
121:13 137:21
143:8 150:15
**number** 6:12
13:15 64:9
67:14,17 75:25
92:16,17 96:5
98:5 99:16,24
123:4,9,16
129:11,18
149:7 162:25
162:25 175:7
**numbered**
67:18
**numbers** 47:3
54:24 73:11
**ny** 178:2

**o**

**o** 3:2 4:2 174:2
**oath** 3:12
**object** 8:6
35:22 102:3
**objecting** 20:23
**objection** 9:8
10:18 12:23
13:10 28:16
34:18 35:12,15
36:4,6,14
50:16 52:3
53:5 57:7
62:20 94:21
95:17 102:12
122:12 131:17

133:25 134:11
140:24 141:6,7
141:23 145:20
147:25 151:10
152:2 156:11
158:23 159:21
161:5 165:25
**objections** 3:21
36:12 170:15
**obliged** 20:9
**observation**
132:9
**obviously** 7:25
11:10 17:7
46:16 47:23,24
61:19 90:11
113:21 114:7
**occasion** 23:6
**occur** 34:13
92:18 120:5
**occurred** 51:2
91:10 105:2
108:15
**occurring**
38:11
**october** 62:14
97:19 114:9,11
116:5
**office** 7:3 13:12
14:3 15:15
20:10 21:2,14
42:3,22 53:22
61:21 81:14
84:20 90:18
96:14 109:13

110:11 112:18
147:10,14,19
**officer** 6:4
98:13,22
**offices** 1:19
98:17
**official** 11:17
86:9
**officially** 28:5
133:3
**officials** 134:5
134:14,18,24
**oh** 67:19
**okay** 36:21
46:13 61:5
64:7 72:21
74:3 75:7
78:11 82:20
93:14 97:12,13
113:23 118:8
137:18 143:3,6
147:2 157:23
158:19 160:8
160:23 168:5
171:20
**omission**
165:21
**omitted** 165:18
**once** 42:2 49:3
92:7 134:22
**ones** 20:4 145:6
**ongoing** 106:2
151:16
**open** 111:17

**operate** 16:24
18:3 19:7
82:22 104:19
105:13 119:7,8
120:15 121:2
125:3 126:4,15
128:17 138:18
140:16 146:10
146:12 167:10
167:21
**operated** 82:12
94:8,9 104:18
127:10 138:19
**operates** 8:16
33:13 38:17
**operating** 14:9
37:2,3 38:13
38:14 40:19
82:10,11,23
98:13,15
101:13,14
117:15,16
118:11 119:10
120:25 125:17
125:18,21
127:14 128:20
138:23 139:2
140:15 142:2
**operation** 12:6
15:18 17:3,25
18:7,8 22:15
23:2 38:18,19
38:19 42:12
95:3 115:7
130:4 139:6

**operational**
  15:9 44:16
  105:22,24
  106:5 111:7
  146:5
**operationally**
  102:22 103:3
  108:5
**operations**
  12:10 14:8,8
  14:10,14,15
  17:19,20 19:17
  24:17,18,21,22
  25:12,13 37:25
  38:11 39:20
  40:5 41:18,25
  42:19 43:15
  69:16,18 70:12
  75:14 79:22
  94:12,13 98:8
  98:8,20 118:12
  132:3 140:23
  144:24,24
  145:12
**operator**
  118:11
**operators**
  16:23 18:19
  20:14 117:14
  117:14 140:13
  140:15
**opine** 94:15
**opinion** 76:10
  110:3

**opinions** 27:22
  102:25 103:3
**opportunity**
  19:9 22:7
  125:23
**opposed** 25:4
  41:6 44:7
**opposite** 61:24
**opposition** 26:9
  132:15
**order** 48:3
  65:24 74:7
  107:10 118:9
  120:5 153:12
**ordinance**
  15:18
**organization**
  22:19 87:6
  114:22
**organizations**
  19:21 100:2
  101:12
**original** 3:9,17
  57:13 85:11
**oscillation**
  92:22
**ought** 119:19
**outbreak** 17:5
**outcome**
  177:17
**outgrowth**
  38:22 110:23
**outlined** 121:23
**outside** 15:11
  25:11,11 32:23

43:6,23 44:14
  46:23 111:22
  121:20
**overall** 81:18
  130:4
**overlaps** 7:3
**overseas** 24:19
**overview** 98:9
**own** 9:15 49:19
  86:5 94:10
  134:9 159:5

**p**

**p** 2:2,2 3:2
**p.m.** 78:15
  173:7
**package** 49:19
**page** 37:7 45:8
  47:4,5,7 49:22
  61:7 62:2,3
  65:6,7,18,19,20
  67:11,11,12,13
  67:13,14,15
  68:4,6,18,20
  97:25 116:11
  154:11,13
  155:10 164:13
  175:6,9 176:4
  176:9,14 178:5
**pages** 50:8
  67:10,18 68:20
**paragraph**
  35:3,8 36:22
  62:7 138:16
  147:3 164:7

**park** 44:9,11
**parks** 13:18
  14:19
**part** 14:20
  16:19 21:3,21
  38:15 44:17,21
  45:20 75:9,13
  94:5,8,12
  100:22 105:3
  114:12 123:20
  132:25 133:3,6
  140:17 142:13
  144:22 145:23
  151:23 154:14
  155:13 156:20
  160:15 167:2
  168:17 170:16
**particular** 6:2
  13:25 31:3
  33:6 50:8,19
  67:6,24 70:10
  71:17,19 79:18
  96:17 117:3
  138:17 145:3
  148:4 149:24
**particularly**
  34:14 75:5
  97:25 130:2
  138:15 149:25
**parties** 3:7
  163:24 177:15
**partners**
  150:17 175:22
**parts** 44:16
  147:24

**[passed - player]** Page 32

**passed** 69:7
  162:18 163:3
  167:24 169:14
  171:9
**passenger**
  101:15 155:5,7
  155:21 157:17
  157:22,25
  158:5,10
  160:21,25
  161:3,10 162:5
  162:11 164:10
  164:23 165:5
  165:13 166:7
  166:10,14,16
  166:18,22,25
  169:19 172:11
**passengers**
  26:21 27:16
  32:10 162:25
**past** 29:14
  137:2
**path** 15:24
**paul** 83:10
**pavilion** 44:10
**pay** 125:4
**pending** 5:17
**people** 11:18
  12:10 15:23
  25:25 26:7
  27:9,12,15
  29:20 37:25
  39:20 52:16
  71:8 77:8
  79:22 80:17,18

81:5 85:10
  90:10,13 96:22
  104:16 109:21
  112:23 117:5
  122:4 123:4,9
  123:12,16
  124:18 125:8
  127:8 132:16
  132:18 133:11
  133:24 134:8
  136:9 159:6
  165:22 166:5
  168:13
**people's** 25:18
**perceive** 104:3
**perceived**
  105:10
**perception**
  19:3 29:10
**perceptions**
  104:9
**perfect** 5:18
**perfectly**
  102:17
**performs** 96:4
**perimeter**
  30:18 32:23,24
  58:11
**perimeters**
  9:12,13,16
  88:22
**period** 11:22
  37:18 76:19
  81:16 86:13
  93:8 120:13

**periodic** 92:5
  93:8
**permissible**
  36:7
**permission**
  159:19
**permit** 12:19
**person** 32:23
  69:19 70:9
  74:25 81:7
  84:23 127:10
  136:9
**person's** 27:11
**personal** 91:20
  112:23
**personality**
  90:12
**personally**
  39:15 117:2
  130:18 140:8
**peter** 74:9,13
  76:7 77:15
  83:5,19 89:5
  93:20,21 94:25
  97:14 100:14
  107:20 116:20
  143:11 175:16
**peter's** 75:23
**philosophical**
  129:3,7
**philosophy**
  29:4
**phone** 112:24
  160:3

**phonetic**
  109:20
**phrase** 18:16
  119:16 120:4
**physical** 32:18
  103:12
**physically**
  112:6
**pick** 112:24
**piece** 54:13
  67:25
**place** 66:14,21
  67:2 101:25
  102:10 108:22
  168:18 174:11
**plains** 1:21
  2:11 130:22
  150:16 175:21
**plaintiffs** 1:5
  1:16 2:4 4:18
**plan** 119:8,11
  123:3 129:19
  129:21 135:9
  135:13,20
**plane** 41:9
  125:11
**planes** 26:6
**planning** 67:23
  68:8 142:4,5
**plants** 13:18
**play** 16:7 18:11
  104:15
**played** 95:4
**player** 130:19

**[previously - public]**

79:11 99:23
134:23
**primarily**  43:5
130:10,17
**principal**  27:21
74:18
**prior**  6:10,23
8:17,20 21:6
21:25 31:24
37:18 40:7,12
41:14 60:11
75:17 79:17
89:5 93:22
99:8 100:9,15
102:10 106:8
133:15,21
135:22 138:4
141:21 156:8
158:21
**private**  22:17
22:19,23,25
32:2,11 73:14
98:11
**privatization**
21:8,18 22:6
23:16,18 25:5
25:10
**privatize**  24:10
**privilege**
100:22 105:23
**privileged**
102:14
**privy**  13:25
56:17 161:15

**probably**  46:22
56:2 58:21
89:16 96:25
149:14 167:13
**problem**  86:6
169:23
**procedure**  1:18
35:4 72:16
118:22
**procedures**
34:17 35:11
75:11 154:8
**process**  15:6
21:22 22:16
24:16 31:6
42:21 54:19
67:24 91:15
107:20 110:16
111:12 129:19
**product**  124:11
**professional**
6:25 31:20
40:16 98:23
**professionally**
124:12
**profit**  43:24
44:12 124:16
125:25 127:16
**profitable**
124:11
**profitably**
19:10 127:17
128:17
**profound**
123:16

**program**  71:17
73:15 96:7
**prohibit**  120:21
**project**  110:4
124:19 130:23
**prominent**
144:5
**promoted**
69:25
**prompted**
39:12
**promulgated**
120:11,11
**promulgating**
87:19
**proper**  54:18
168:10
**properly**
167:13
**proposal**  19:16
21:17,19 24:3
24:23 25:6
30:5 31:3
**proposals**
19:23 20:7
21:11,13 22:5
22:8,11,14
23:8,16,18
30:3
**propose**  50:22
55:2
**proposed**  12:18
49:7 50:13
51:4 54:23
69:4 94:7

144:24
**protect**  34:22
126:24
**protections**
34:25 64:16
67:2,3,5,7
104:24 121:6
128:15 157:11
**protective**
153:12
**provide**  33:11
87:7 111:14,16
124:10 156:16
165:5
**provided**  96:5
166:7,8,17
**provides**  54:10
84:8
**providing**
155:5 164:10
164:23 165:13
**provisions**  66:2
160:19
**proximate**
112:12
**public**  1:3,22
4:4 11:15,16
11:17,18 12:11
14:24 16:20
20:2,6 21:15
26:17 27:3,3,4
27:5 30:6
39:23 41:18,23
52:15 69:22
87:12,23 90:18

94:10 99:3,21
100:4 104:11
104:12 107:15
107:16,16
108:3,18 109:2
109:10,13
110:2,25
122:25 126:21
126:24 129:20
129:20 135:12
148:5,7 174:22
177:7 178:2,25
**publicly**  26:9
  52:15 123:24
**pulled**  159:7
**pulling**  159:12
**purport**  104:14
**purpose**  172:10
**pursuant**  1:17
  8:19,23 156:3
**push**  124:4
**pushing**  76:9
**put**  30:17 32:7
  73:9 111:19,20
  113:4 124:20
  125:22
**pyramid**  98:14

**q**

**qualify**  68:13
**quality**  30:11
**quarters**  98:21
**question**  5:12
  5:16 20:19,21
  33:2 36:18,20
  45:14 49:3

54:25 56:4
60:6 61:8 62:6
65:18,22 72:18
72:23 78:23
90:24 91:6
95:10,18 102:7
102:13 103:24
104:5 107:19
141:24 153:13
156:12 159:9
159:11 169:15
170:21 176:14
**questioning**
  10:22
**questions**  4:19
  11:19 28:10
  42:20 64:3
  102:4 112:20
  146:21 168:13
  176:13
**quick**  65:22
  113:21
**quickly**  170:22
**quite**  44:15
**quotation**
  147:5,6 148:14
**quote**  94:4
**quoting**  11:25

**r**

**r**  2:2 3:2 4:2,2
  174:2 177:2
**race**  41:21
**radar**  40:11
**radius**  133:10

**rail**  123:23
**raised**  136:2
  170:14
**ramp**  164:11
  164:24 165:7
  165:18
**ranking**  98:21
**rare**  89:25
**rather**  37:4
  42:5 73:11
  145:17
**rationale**  67:6
**raymond**  2:15
**reach**  118:22
  161:3
**react**  160:5
**reactions**  15:22
  15:25
**read**  20:21
  42:18 45:9
  46:13,14,23
  50:3,7 59:25
  61:6 62:5
  65:21 66:15
  73:13 75:5,6,7
  77:3 82:19
  110:14 115:5
  118:3 119:3
  154:21,24
  157:2,3 158:17
  159:2 166:11
**reading**  49:5
  60:7 115:8
  142:15 159:10

**reads**  144:15
**realities**  17:8
**really**  42:11
  83:16 95:4
  103:13,25
  104:2 105:16
  142:16,17
  160:7 172:16
**reason**  29:22
  61:13,15 124:4
  172:12 178:5
**reasonable**
  27:18
**recall**  19:18
  38:3 40:2,10
  48:8 49:17
  69:24 78:25
  79:16 101:9
  103:7,10 134:3
  134:5 136:4
  163:5
**receive**  54:13
  100:11 119:14
  131:9,13
**received**  40:2
  85:19 100:18
**receiving**  95:21
**recently**  74:17
**recognition**
  49:4
**recognize**  34:5
  45:12,25 46:4
  48:24,25 78:18
  80:23 102:24
  103:8 124:7,25

**[recognize - representatives]** Page 36

129:24
**recollection**
51:6,8 79:21
**record** 4:9
21:16 52:15
69:9 98:25
114:5 152:17
152:18 167:19
172:21,22
177:12
**recreation**
14:19
**recycling** 88:15
101:7,21
**redefine** 104:8
**refer** 47:3
**reference** 68:11
95:6 97:21
98:18 101:10
114:10,11,20
115:22 119:11
138:4,11
144:18 146:10
150:19 155:16
171:11
**referenced** 20:3
114:8 122:17
122:18 152:15
160:23
**references**
60:24 116:8
**referred** 20:20
150:21
**referring** 99:19
141:19

**refers** 138:13
**reflect** 101:16
**reflected** 118:3
**reflecting**
35:18
**regard** 7:18,23
9:25 10:24
12:20 13:8
15:13,16 18:23
22:5 28:13
33:6 34:15
42:7 61:12
64:8 66:23
71:19 73:16
84:7 94:3
105:21,24
111:5 114:14
116:15 118:20
122:8 129:14
131:11,16
132:22 135:20
167:15
**regarding**
76:14
**regular** 79:12
92:10
**regulation** 67:8
75:13 94:11
**regulations**
8:14,23 68:25
73:3 120:10,16
120:19 137:5
**reinforce** 104:8
**relate** 12:16
15:22 88:8

154:7
**related** 41:24
98:24 135:3
153:14 177:15
**relates** 142:10
**relating** 60:19
**relation** 34:16
**relationship**
85:21 86:19
89:23 91:19,20
93:6
**relevant** 123:13
130:19 154:6
168:12
**rely** 30:25
122:19
**remaining**
110:8
**remember**
11:19 39:16
56:7 64:23
78:22 104:25
170:17
**remembering**
79:7
**reminding**
144:16
**renovated**
151:24
**rentals** 44:10
**rented** 44:10
**repave** 26:12
**repaving** 26:14
26:14

**repeat** 20:18
164:15
**rephrase** 4:24
36:15,20 46:6
102:6
**report** 14:15
34:8 64:15
68:23 69:22
81:5 87:11
98:17 148:5
157:9 175:8
**reported** 65:16
**reporter** 5:3,12
20:22 33:24
45:5 59:21
63:23 70:24
73:24 78:7
86:24 97:8
113:17 137:14
142:24 148:22
150:12 154:2
**reporting**
92:14 178:1
**reports** 23:7,21
81:4 92:19
99:9 112:8
**represent** 4:17
27:8 63:13
111:19 117:13
123:10 146:18
147:14,23
**representation**
136:12
**representatives**
92:3 131:22,23

163:6
**represented**
43:8,10 63:13
63:15 79:10
92:9
**represents**
83:14 86:10
96:24 101:5,6
120:8 136:10
136:11 147:15
**request** 29:6,9
29:9 33:10
51:18 148:7
160:10
**requested**
43:20 51:16
176:8
**requesting**
28:23
**requests** 31:7
113:5
**require** 10:10
31:4,21 33:17
51:25 88:20
**required** 10:14
68:2 161:9
**requirement**
62:17
**requires** 34:11
107:6
**reread** 142:9
**research** 80:14
84:18
**reservations**
119:13

**reserved** 3:22
**reserving**
153:11,19
172:24
**resident** 74:14
**residents** 125:6
132:2,6,7
**resolved**
107:24
**respect** 111:7
131:15
**respectfully**
25:19 167:16
**respective** 3:6
**respond** 29:3
**responded**
51:23 146:3
**responding**
70:18 75:9
77:2
**responds** 54:21
76:5 97:19
**response** 23:8
51:17 63:8
76:7,11 77:5
77:10,10 80:24
82:5 100:24
101:6,16
103:24 104:22
105:18 120:19
129:2 139:11
139:13 151:12
**responses**
50:24

**responsibilities**
6:2 12:8 69:18
76:20 98:15
109:17 121:3
**responsibility**
26:12 70:11
103:4 110:7
111:4,6 124:17
128:4
**responsible** 6:5
80:13 81:18
110:25
**rest** 44:2 56:3
89:20
**restate** 105:15
**restatement**
139:3 144:11
**restating** 139:5
**restaurant**
126:8,9,20
**restriction**
57:14,17,18
58:11 62:13,15
**restrictions** 8:4
8:9 9:6 17:24
18:3 34:23
46:18 60:20
62:24 66:3,18
66:20 108:22
126:6 127:18
128:24 162:13
162:15,24
**restrictive**
57:21,25 58:5
58:10,14,20,24

59:3 61:10,24
66:3,14 156:15
156:22 157:7
157:10,12,16
157:16,18
159:9,13,14,17
159:20,23,25
162:6 165:23
165:24
**result** 62:14
116:16
**resulted** 144:7
**results** 151:9
**resume** 112:22
**retained**
175:24
**retracted** 21:19
**revenue** 43:16
43:18 44:11
122:5
**revenues** 44:5
**review** 22:7
23:6 25:6
49:11,13,20
64:6 67:23
68:2,23 108:21
109:19 157:22
**reviewed** 22:9
140:13 170:9
**reviews** 68:9
**revolves** 142:2
**rid** 165:16
**right** 4:25
20:11 23:17
35:2,5 47:2,11

**[right - security]** Page 38

52:23 56:24
58:3 62:4,11
65:7,13 67:21
71:13,14 75:2
83:20 90:11
97:22 98:22
105:5,7 110:18
110:22 116:13
126:2,17
137:22 139:14
143:12,13,16
147:21 153:11
156:5 164:12
165:20 168:14
**rights** 153:19
172:25
**rise** 117:8
**rockwell** 63:12
63:16
**role** 70:12
98:10
**room** 109:9
**rooms** 27:13
**rosenberg**
83:11
**ross** 148:25
149:2,8,13,17
149:20,23
175:20
**routes** 130:5
**rudiments** 43:2
**rule** 8:15
**rules** 1:18 8:13
8:17,22 31:20
36:12 38:20

62:24 64:16
110:19 126:9
166:4
**rulings** 176:13
**rumbarger**
93:17
**run** 13:12
88:17 89:15
109:12 137:2
169:13
**running** 21:25
56:12
**runway** 26:6
26:12,15 28:3
**ryan** 55:25
**rye** 2:5 4:12
6:19 16:11
38:8 39:17
74:15,15 79:3
79:10 130:21
136:2

|      s      |
| --- |

**s** 2:2 3:2,2
175:2 178:5
**safety** 26:15
**sake** 54:25
56:16 95:10
132:7
**sales** 7:4
**saltzman** 69:20
80:20 98:19,19
**samra** 2:14
**sanitarian**
126:11

**sanzone** 143:19
**sat** 101:11
163:18
**saw** 19:9 56:3
77:21 79:21
85:12 113:20
115:25 152:11
**saxon** 44:9
**saying** 36:8
72:22 75:19
122:6 136:16
147:22 149:2
**says** 29:7 35:19
37:6 47:13
52:21,22 53:3
54:22 61:8
66:8 71:25
72:3 73:12,13
75:18 76:6
97:18 98:7
110:21 116:4
120:9 138:10
157:8,9 161:20
164:8,12,25
165:11 166:10
166:13,16,20
**scenario** 85:21
157:16
**scheinkman**
53:17
**scherrer** 89:5
93:20 94:25
95:19 96:17
97:14 100:9,11
105:18 106:5,6

143:12 175:16
**schlactus** 74:9
74:13 75:9
76:7,14,21
77:11,15 83:5
83:19
**scope** 32:20
128:7
**screen** 40:12
**sealing** 3:7
**search** 71:24
72:9 73:8
**season** 14:2
**seat** 84:4
155:22
**seater** 32:11
**seats** 155:7
157:17
**second** 21:20
35:2 61:7
115:13 116:11
138:16 147:3
167:18
**secondarily**
43:6
**section** 35:4,7
160:20 164:6,8
164:18,20,21
165:4,10,11
**sector** 98:12
**secure** 65:24
**security** 31:12
31:16,22 32:5
32:10,16,22,23
32:24 33:2,6

**[showing - standard]** Page 40

| | | | |
|---|---|---|---|
| **showing** 146:8 | 112:17 128:13 | 74:5 92:24 | 146:5,9,9 |
| **shut** 126:18,19 | **sits** 43:23 44:14 | 140:21 141:18 | 162:2,13,15 |
| 127:5 | 86:3 | **sought** 26:25 | **specifically** 8:5 |
| **side** 17:19,21 | **sitting** 53:20 | 27:2 28:4 | 8:8 47:20 79:2 |
| 18:4 38:17 | 59:9 90:22 | **sound** 16:15 | 89:24 97:2 |
| 40:23 58:13 | 106:10 | 43:9 | 132:10 135:20 |
| 80:13 82:16,17 | **situation** 20:2 | **source** 38:8 | **specificity** |
| 82:23,24 109:3 | 35:25 105:4 | **south** 16:14 | 109:7 |
| 125:10 131:25 | 106:25 107:14 | **southern** 1:2 | **specifics** 79:7 |
| 139:8 | 118:19 127:7 | **space** 18:25 | 88:4 162:22 |
| **sides** 65:13 | 161:11 | 19:2 | **specified** |
| **signature** 64:21 | **situations** 92:5 | **spano** 53:13 | 174:11 |
| 65:6,10,11 | 146:5 | **speak** 8:8 61:19 | **specify** 38:6 |
| 67:10,12,13 | **size** 32:20 | 97:2 109:6 | 146:7 |
| 71:4 143:19,23 | 128:6 | 116:18 167:24 | **speculate** |
| 144:2,19 | **skip** 73:14 | **speaking** 8:2 | 141:10 |
| 145:10 146:23 | **skirting** 121:3 | 10:12 11:9 | **speculating** |
| 149:7 177:23 | **slightly** 55:11 | 19:19 36:11,14 | 52:6 |
| **signed** 3:10,12 | 119:13 | 36:23 47:5 | **speculative** |
| 3:15 64:10 | **smaller** 123:8 | 74:25 141:17 | 170:16 |
| 155:12 | **smith** 135:11 | 152:24 168:2 | **spelled** 88:23 |
| **significant** | **society** 127:15 | **speaks** 35:3,9 | **spent** 7:2 |
| 29:15 31:21 | 127:20 | 36:23 93:9 | **spoke** 111:4 |
| 32:17 92:20 | **solid** 108:24 | **spear** 69:11,12 | 162:14 |
| 96:10,21 100:2 | **somebody** | 71:2 74:24 | **spotted** 150:4 |
| 123:10,18 | 63:13 111:22 | 76:5,13 77:15 | **ss** 177:4 |
| **similar** 87:11 | 142:2 160:3 | 96:5 106:8 | **staff** 77:9 81:3 |
| 113:19 115:4 | **somewhat** | 115:14 175:12 | **stages** 19:15 |
| 132:22 137:16 | 115:3 | **specific** 11:20 | 21:4 |
| 144:21 145:6 | **sorry** 10:21 | 12:25 30:2,24 | **stamford** |
| 148:24 149:9 | 36:17 67:19 | 40:2 60:24 | 130:12 |
| 149:11 150:14 | 72:22 76:5 | 88:21 103:7 | **stamp** 47:3 |
| **simplest** 59:14 | 102:5 164:15 | 106:12 118:16 | **stand** 134:6 |
| **sit** 14:11 30:4 | **sort** 11:25 | 136:4 142:3,16 | **standard** 73:14 |
| 90:3 110:4 | 29:24 57:15 | 144:15,18 | |

**standards** 128:5

**standpoint** 27:3 28:18 31:19 60:19 124:8 167:23 170:7

**stands** 72:11

**start** 42:18,20 74:6 106:21 118:12 122:6

**started** 15:7 52:20 121:11 128:16

**starting** 69:2

**starts** 62:8 125:15

**state** 1:22 4:4,8 6:13,15 21:24 22:4 50:21 54:7,8 56:12 56:15 58:16 79:12 81:21 99:2,4,5 112:5 130:3 131:22 131:22 160:12 160:14 171:5 177:4,8

**stated** 25:3 28:7 61:25

**statement** 36:6 49:20 61:14 90:8 139:3 153:8

**states** 1:2 75:15

**stating** 88:7

**statistics** 92:15

**status** 68:8

**statute** 147:22

**staying** 163:9

**stays** 93:3

**step** 39:9 53:9 54:20 82:8 103:22

**stephanie** 83:12

**steve** 84:17 85:6,13

**steven** 81:10,25

**stipulated** 3:5 3:20 9:2

**stipulation** 60:22 127:22 127:23 128:3

**stop** 121:7 122:3,8

**storm** 16:13

**stouffer** 7:8

**straight** 66:24

**strategic** 93:24

**streams** 43:17 43:19

**street** 4:12

**strengthened** 28:3

**strengthening** 26:16

**stringent** 66:17

**stronger** 26:5 121:17

**structural** 91:21

**structurally** 131:2 135:24

**structure** 33:10 41:14 43:12 92:13 130:25 135:17 147:20 151:24 162:21

**structures** 93:7 131:3 133:2

**studied** 21:15

**study** 68:13

**stuff** 162:13

**style** 90:17

**styles** 90:19

**subject** 47:14 52:18 62:16 111:17 114:16 138:8 149:23

**subjective** 89:2 109:4 131:24

**submission** 9:24 51:24 54:22 57:14 63:8 160:5

**submit** 49:24 50:12 52:10,14 53:16 55:4,7 135:14 168:9

**submits** 53:22

**submitted** 9:24 10:4 20:8

47:23 49:13 50:10 51:12 52:7 56:20,21 57:2 156:7 169:10

**subordinate** 33:16 81:23 84:17

**subscribed** 174:18 178:22

**subsequent** 8:15 50:24

**subsequently** 8:18 9:3 51:14 155:17

**subset** 159:6,7

**subsidiaries** 7:6

**subsidiary** 7:9 7:10 94:10

**substance** 17:14 54:22 99:7

**substantive** 57:3,5,10,12

**suburban** 130:12

**sufficient** 68:13 153:15

**suggestions** 76:10

**suit** 135:22,22

**summarized** 43:18

**[summarizes - terms]**                                                 Page 42

| | | | |
|---|---|---|---|
| **summarizes** 105:18 | **suspect** 96:14 | **taken** 1:16 51:9 | 143:25 154:5 |
| **summer** 123:2 | **sworn** 3:10 4:3 | **takes** 32:22 | 162:9,15 |
| **supervisor** 134:19 | 174:5,18 | 85:5 | 171:15 |
| **support** 10:9 | 177:11 178:22 | **talk** 13:22 | **telling** 83:16 |
| 10:10,15 | **system** 38:15 | 92:16 112:23 | 122:3,8 138:17 |
| 124:16 143:20 | 38:16 105:11 | 122:16 135:4,5 | 153:9 |
| 146:24 | 109:6 128:19 | 135:6,8 | **ten** 106:18 |
| **sure** 5:10,11 | **systems** 33:14 | **talked** 63:9 | **tend** 43:3 91:8 |

**t**

| | | | |
|---|---|---|---|
| 6:22 7:2 13:4 | **t** 3:2,2 4:2 | 122:15 123:5 | **tenure** 9:22 |
| 38:6 39:14 | 174:2 175:2 | 129:18,18 | 11:5 17:6 |
| 46:5 54:2 72:8 | 177:2,2 | 162:12 | 21:24 40:12 |
| 117:16 122:23 | **table** 14:13 | **talking** 17:13 | 42:14 43:12 |
| 126:19 127:6 | 15:5,14,15 | 23:10 59:15 | 149:19 152:6 |
| 146:22 147:2 | 17:12,16 18:15 | 88:14,23 | 163:18 |
| 147:18 149:18 | 18:23 20:14 | 107:20 127:11 | **term** 17:7 42:9 |
| 158:18 164:16 | 24:3 25:7 84:5 | 144:14 159:5 | 110:9 120:4 |
| 170:24 | 89:6 106:11 | 168:23 | 149:15 160:21 |
| **surprise** 86:18 | 110:4 | **tasked** 24:17 | 160:22,22 |
| **surprised** 76:4 | **take** 5:3,13,15 | 87:14,18 | 161:2,4 |
| 101:10 116:25 | 10:6 22:20 | **team** 6:7 12:5 | **terminal** 34:16 |
| 170:13 | 25:13 34:3 | 12:14 14:6,12 | 35:4,11 37:4 |
| **surprising** | 37:16 39:9 | 24:17,18,20,24 | 38:14 40:24 |
| 76:21 90:15 | 46:12 48:19 | 25:13 38:10 | 72:13,15 73:2 |
| **surround** 14:13 | 53:10 54:20 | 39:2 40:5 | 73:3 75:11 |
| **surrounding** | 59:23,24 60:5 | 80:15 81:9,20 | 101:8 138:20 |
| 111:8 | 75:4,5 78:9 | 96:6 | 139:8 154:8 |
| **surveys** 126:13 | 97:10 101:24 | **telephone** | 164:11,11,24 |
| **susan** 69:11,12 | 106:22 107:6 | 91:16 106:10 | 164:24 165:6,7 |
| 71:2 74:24 | 110:17 113:21 | **tell** 31:15 46:8 | 165:17,18 |
| 76:13,19 77:15 | 121:17 137:17 | 56:6 68:5,19 | 166:8,14,15,17 |
| 96:5 106:8 | 142:12 143:4 | 82:7 85:5 87:4 | 166:19,21,23 |
| 115:14 175:12 | 151:4 154:4 | 89:7 90:25 | **terms** 13:22 |
| | 164:5 | 91:11 92:2,13 | 18:6 33:18 |
| | | 100:17 108:9 | 103:11 108:19 |
| | | 120:20 128:16 | |

| | | | |
|---|---|---|---|
| **testified** 4:5 123:9 154:13 | **things** 8:17 9:2 9:15,18 10:13 | 36:5 59:9 69:8 74:5 85:20,22 | 63:5 64:6 70:13,13 72:10 |
| **testify** 35:21 174:5 | 10:16,24 11:4 11:12 14:16 | 85:22 89:2 90:23 91:6,19 | 76:19 77:23 79:10 80:7,8 |
| **testifying** 35:16 35:24 36:2 | 16:6,19 17:5 18:12 19:12 | 111:23 117:10 118:24,25 | 81:16 83:11 84:13,20 85:16 |
| **testimony** 122:25 123:4 | 24:14 25:25 27:8,9 28:24 | 132:21 137:7 149:13 157:13 | 85:17 86:13,19 93:8 102:8 |
| 135:14 174:6 174:10 177:13 | 30:18,24 42:19 43:9,14 46:20 | 159:25 167:16 **thinking** 79:6 | 104:6 105:10 112:17 113:6 |
| **thank** 93:11 116:4 | 48:7,15 49:9 52:10 75:18 | 110:13 131:5 171:25 172:6 | 115:6 120:13 121:9 138:24 |
| **thanks** 143:4 | 78:25 79:13 | **thinks** 77:6 | 140:8,14 |
| **theodore** 2:5 | 81:7 82:19 | **third** 47:6 | 142:11,12,14 |
| **theoretical** 58:3,4,15 59:7 | 84:10 87:15 92:22 95:7 | **thought** 39:7 40:23 57:11,12 | 143:4 146:15 149:8,14,17 |
| 59:8 | 96:3 104:16 106:3 107:13 | 57:19 79:2,14 171:23 | 152:9,13 153:11,13 |
| **theoretically** 58:22 | 108:23 111:12 111:18 113:6 | **three** 81:15 110:8 123:12 | 154:11 163:6 163:20 174:10 |
| **theorize** 89:22 145:22 | 115:4 118:9 119:5,20 | 153:18 **thumb** 45:10 | **timeframe** 144:20 |
| **theorizing** 167:2 | 120:22 121:2 122:16 127:11 | **tie** 152:15 **time** 1:12 3:22 | **times** 5:8 98:5 99:16 129:11 |
| **theory** 171:18 | 128:12 129:7,8 130:23 135:3 | 4:20,22,23 5:15 7:11,15 | 129:18 134:22 135:5 |
| **thing** 11:2 36:11 45:10 | 140:12 144:12 162:23 163:20 | 7:17 10:17 11:9,13,22 | **title** 71:7,18 84:15 |
| 46:14 50:4,7 70:10 88:9 | 163:21,22 164:3 167:2 | 14:23 23:10,13 24:5,7 31:8,8 | **titles** 83:6 **today** 34:2 |
| 89:8 91:3,10 92:11 107:10 | 168:22 171:15 172:3 | 37:16,19 46:12 48:14 53:19 | 61:11 170:12 171:16,22 |
| 127:24 129:4 131:8 136:18 | **think** 17:18 27:17 28:6 | 54:2,3,4 55:20 56:10 59:24 | **told** 66:13 **tom** 93:17,19 |
| 142:3 157:4 159:25 168:14 | 31:18 32:15 | 60:5 61:2,20 | |

**[took - understanding]**

**took**  20:10 21:2
  37:16 49:18
  51:20 79:24
  102:10 168:18
**tool**  16:3
**top**  32:8 37:9
  61:7 65:20
  67:14,17,20
  77:9 80:25
  98:13 155:10
  156:3
**topic**  110:11
  153:14
**total**  18:7
**touch**  95:24
**touched**  67:10
  119:2
**town**  85:23
  86:3 130:10,20
  130:21
**towns**  134:19
**traditionally**
  108:15
**traffic**  16:16,17
  16:18 30:12
  33:14 132:4
**transcript**  5:6
  5:13 174:9,9
**translate**  5:5
**transparent**
  113:6
**transportation**
  12:11 14:20,22
  24:19 39:21
  56:9 64:19

87:13 99:3,21
  100:5 123:25
  148:6,8
**travel**  31:23
**traveled**  31:24
**treatment**
  13:17
**trial**  3:22
**triggered**  82:8
  103:10 140:12
**true**  54:3 107:4
  127:2 151:18
  174:9 177:12
**truth**  109:7
  174:5
**truthfully**
  40:20 94:23
**try**  30:17 75:22
  113:9 127:15
  130:22 133:5
  159:5,14
**trying**  59:8,13
  121:23 125:23
**tsa**  31:20 32:7,8
  32:9,14 33:3,9
**tua**  71:25 72:11
  73:3 145:4
**tup**  35:10 72:15
**tup's**  37:3
**tur**  71:25 72:14
  73:2
**turn**  22:15 31:2
  47:5 77:7
**twice**  155:12,17

**two**  14:9 17:6
  32:11 42:13
  64:3,4,18,22
  68:3,10 71:15
  77:14,24 82:19
  83:22 98:20
  102:4 112:5
  115:21,21,24
  117:19 119:2,4
  139:4,9 146:4
  150:15 151:4,7
  152:21 153:7
**type**  29:6 32:2
  51:24 68:2,10
  85:19 145:16
  151:2
**types**  107:13
**typo**  72:15

**u**

**u**  3:2
**uh**  5:4
**uhh's**  5:4
**uhm**  38:23
  80:16 84:21
  87:22
**ultimate**  24:13
  32:25
**ultimately**  24:9
  25:8 107:8
  110:20 112:8
  168:6
**unable**  95:5
**unanimous**
  65:2

**unanimously**
  163:22,23
**unaware**  75:20
**unclear**  4:20
**undefined**
  160:22 161:2
  161:11
**under**  8:16
  20:5 33:9
  36:12 56:22
  62:7,16 63:9
  71:3 94:8
  103:13 104:5
  111:14 147:22
  156:24
**undercuts**
  121:16
**underlying**
  139:15
**underneath**
  14:21
**understand**
  8:10 13:2
  33:15 36:8
  39:5 43:21
  46:3,6 49:6
  59:12 95:8
  106:21 108:11
  110:15 114:23
  121:22 122:2
  124:5,22 128:3
  129:4 159:3
**understanding**
  4:21 8:12,24
  9:4 17:24

**[understanding - wants]**                                    Page 45

22:13,24 23:3
34:17 43:14
46:9 48:2
49:12 60:3,13
60:18 62:18,22
62:23 63:7
64:5 66:22
72:5,6 73:17
75:8 76:12
77:12 78:20
82:18 94:18
108:4 128:14
138:22 140:20
159:17
**understands**
95:22
**understood**  5:7
42:14 50:5
51:22 59:10
71:10 149:16
173:6
**unforeseeable**
17:9
**unfortunately**
25:24
**united**  1:2
**universal**  44:21
166:3
**unknown**
125:12
**unlimited**
29:18
**unpaid**  84:2,6
**unsigned**  3:14

**upcoming**
135:12
**upfront**  122:14
**upper**  65:7
**upstairs**  69:23
71:13 84:20
96:6 172:17
**urban**  1:4
137:24
**urgent**  118:14
**usage**  129:24
132:15
**use**  27:5,16
29:14,17 34:16
35:4,11 46:18
72:13,15 73:2
73:3 75:11
88:15 119:16
120:3,8 125:6
125:9,24 132:6
132:8 133:11
154:8 165:6
**used**  3:14 40:15
148:14 157:6
**users**  164:9,22
165:4,13
**using**  18:15
138:17 164:10
164:23 165:17
166:14

---

**v**

**v**  178:2
**vacate**  104:8
**vaguely**  39:16

**valid**  36:5
**value**  123:7
125:8,22
**various**  6:6
12:9 13:18
16:22 19:15
58:7 60:19
88:5,6 117:13
135:4
**vendors**  88:6
89:8
**verbal**  5:2
106:10
**veritext**  178:1
**version**  171:7
**vetting**  54:19
**viable**  30:5
**vice**  93:24
**video**  2:14,15
**view**  25:14
28:14
**viewed**  89:12
**views**  25:22
**village**  38:7
39:17 74:14,15
79:3,8 83:5,12
83:13 84:8
85:23
**village's**  83:7
84:5
**villages**  134:19
**violation**  37:2
121:15
**vital**  30:16

**voluntarily**
83:23
**voluntary**
57:18 105:8
**vote**  64:15 65:2
168:15
**voted**  64:18
69:7 156:14
157:18 170:11
**voting**  162:9

---

**w**

**wainwright**
4:12
**waive**  123:13
**waived**  3:9
**walk**  127:22,25
167:5,7
**want**  5:15 28:9
29:22 30:8,13
35:24 40:3
59:25 63:3
75:22 81:8
91:15 105:23
120:22 124:3
126:16,18,19
131:5,6 153:3
153:5 157:20
166:9 172:15
**wanted**  25:2,5
57:20,24 72:24
89:15 103:18
114:4
**wanting**  52:19
**wants**  135:14

**[warranted - years]**

**warranted**
  139:18
**washington**
  41:4
**water**  16:13
  30:11
**watershed**
  16:11
**way**  11:13 16:3
  37:9 39:18
  44:15 59:14
  70:6 82:11
  84:25 88:9,19
  90:2,11 98:23
  98:24 104:18
  104:19 107:23
  109:14,22
  110:16 120:15
  129:9 130:15
  133:4 138:23
  145:4 146:10
  146:12 147:11
  147:11 148:13
  172:12 177:17
**ways**  48:22
**we've**  44:9
  88:14 161:21
**wealth**  125:5
**weekly**  134:23
**weights**  18:6
**welcome**  137:6
**went**  67:17
  77:25 100:17
  114:7 116:12
  133:19 147:16

  162:18
**west**  40:23
**westchester**  1:8
  1:19 2:10 5:21
  6:5,17 8:21
  16:4 19:3,4,5
  29:15,24 35:5
  41:6 42:9
  46:18 47:10,14
  47:24 50:12
  60:20 62:12,25
  71:5 104:17
  118:5 123:19
  124:24 132:12
  133:5,22
  134:14,18,25
  167:7,23 168:3
  177:5 178:2
**westport**
  132:18
**whereof**  177:19
**white**  1:20 2:11
  130:22 150:16
  175:21
**whitlow**  60:17
**wholly**  94:9
**wide**  76:24
  90:14 112:7
**willing**  172:25
  173:4
**wish**  128:7
**wished**  57:2
**withdraw**
  36:19

**witness**  3:10,16
  3:18 4:3 35:16
  35:21 173:8
  177:10,13,19
**witnesses'**
  178:3
**woman**  99:6
**women's**  27:13
**wondering**
  95:9
**woods**  44:9
**word**  25:17,24
  60:2
**words**  62:9
  73:10 108:7
**work**  9:18 14:5
  19:22 81:19
  98:21 100:3
  112:2 170:8
**worked**  7:5,8
  7:11 41:10
  99:23
**working**  86:11
  86:12 89:23
  93:5 120:16
  135:8 142:16
**works**  12:11
  87:12,23 96:25
  99:21 100:5
  110:16 148:6,7
**world**  83:17
**wound**  51:19
**write**  140:4
  146:8

**writing**  100:9
  106:3 111:20
  111:21 113:4
  113:10 140:22
**written**  97:14
  111:13,15,24
  116:16,20
  135:14 138:24

|   x   |
| --- |

**x**  1:3,10 88:7
  110:3 175:2
  176:2
**xo**  1:4 114:15
  114:22 115:7
  116:5,24 119:9
  125:15 128:16
  139:10
**xo's**  121:11

|   y   |
| --- |

**y**  88:8
**ya**  110:9
**yada**  91:18,18
  123:23,23,23
**yeah**  95:12
  158:11
**year**  21:21
  22:18 26:13
  42:13,15,22
  44:19 49:18
  51:10 77:18
  92:11
**years**  7:2,13
  11:3,11 17:6
  31:23 56:10

**[years - z]**

81:15 90:19
96:5 99:24,24
110:8 113:8
115:22 163:5
170:10,11
**yep**   48:23
65:15 97:17
**yesterday**   76:8
**yonkers**   132:17
**york**   1:2,8,21
1:22 2:5,11 4:4
4:13 6:13,15
56:12 99:2,4
123:22 129:25
130:25 133:13
134:8 135:16
177:4,8 178:1

**z**

**z**   88:8

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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